



सत्यमेव जयते

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 21]

नई दिल्ली, शनिवार, मई 26, 1984/ज्येष्ठ 5, 1906

No. 21]

NEW DELHI, SATURDAY, MAY 26, 1984/JYAISTHA 5, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)

PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कंपनी कार्य मंत्रालय

(कंपनी कार्य विभाग)

नई दिल्ली, 3 मई, 1984

ing & Stevedoring Company Private limited, having its registered office at 4 Dayanand Baidodker Marg, Panaji-403 001, Goa, under the said Act (Certificate of Registration No. 950/74).

[No. 16/26/83-M-III]

का०आ० 1695.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा मिसर्स मार्मागोआ शिपिंग एण्ड स्टेवेडोरिंग कंपनी प्राइवेट लिमिटेड, जिसका पंजीकृत कार्यालय, 4, बयानन्द बन्दोदकर मार्ग, पणजी-403001, गोवा, के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 950/74) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 16/26/83-एम-3]

का०आ० 1696.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा मिसर्स बी० आर० टी० लिमिटेड, जिसका पंजीकृत कार्यालय, नैविगे हाउस, जे० एन० हरेदिया मार्ग, बेलाई एस्टेट, बम्बई-400038, के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 984/74) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 16/24/82-एम-3]

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Company Affairs)

New Delhi, the 3rd May, 1984

S.O. 1695.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Marmagao Shipp-

S.O. 1696.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. B.R.T. Limited, having its registered office at Neville House, J. N. Heredia Marg, Ballard Estate, Bombay-400 038, under the said Act (Certificate of Registration No. 984/74).

[No. 16/24/82-M-III]

नई दिल्ली, 10 मई, 1984

of publication of this notification in the Gazette of India to 28th February, 1987.

[No. F. 8-3/84-AC]

क्र० आ० 1697—एकाधिकार तथा प्रबन्धक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा मैसर्स कैस्ट्रोल लिमिटेड, जिसका शाखा कार्यालय, भारत में, व्हाइट हाउस, 91, वाल्केश्वर रोड, बम्बई-400006, में है, के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 598/70) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 16/20/82-एम-3]

वी० पी० गुप्त, निदेशक

S.O. 1697.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Castrol Limited, having its branch office in India at White House, 91, Wal-keshwar Road, Bombay-400 006, under the said Act (Certificate of Registration No. 598/70).

[No. 16/20/82-M-III]

V. P. GUPTA, Director

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 अप्रैल, 1984

क्र० आ० 1698.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिज़र्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 9 के प्रावधान एरिवक्कम ग्राम, कांचीपुरम तालुका, चिंगलेपुट जिला में सर्वेक्षण सं० 33 की 1.06 एकड़ भूमि (4.24 एकड़ का 1/4 भाग) की गैर बैंकिंग आस्तियाँ धारण करने वाले ब्रिग कांचीपुरम को-ऑपरेटिव टाऊन बैंक लि०, कांचीपुरम को इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से दिनांक 28 फरवरी 1987 तक लागू नहीं होंगे।

[सं० एक० 8-3/84-ए० सी०]

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th April, 1984

S.O. 1698.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Big Kancheepuram Cooperative Town Bank Ltd., Kancheepuram so far as they relate to its holding of a non-banking asset comprising 1.06 acres (1/4 share in 4.24 acres) of land in survey No. 33 at Erivekkam Village, Kancheepuram Taluka, Chingleput District for the period from the date

क्र० आ० 1699.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिज़र्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 9 के प्रावधान श्रीविल्लिपुथार शहर, सर्वेक्षण सं० 1560/2-रिक्त (357 वर्गफुट) शहर सर्वेक्षण सं० 1561/2 से अवितरित आधे भाग कसबा, नॉर्थ कार स्ट्रीट की गैर बैंकिंग आस्तियाँ धारण करने वाले श्री विल्लिपुथार को-ऑपरेटिव अर्बन बैंक लि०, श्रीविल्लिपुथार (तमिलनाडु) पर इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से 30 जून 1984 तक की अवधि के लिए लागू नहीं होंगे।

[सं० एक० 8-3/84-ए० सी०]

S.O. 1699.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section of the said Act shall not apply to the Srivilliputhar Co-operative Urban Bank Ltd., Srivilliputhar, (Tamil Nadu) so far as they relate to its holding of a non-banking asset situated at Srivilliputhar Town, Survey No. 1560/2-Vacant (357 square feet) undivided half share in TS No. 1561/2 in Kasaba North Car Street for the period from the date of publication of this notification in the Gazette of India to 30 June 1984.

[No. F.8-3/84-AC]

क्र० आ० 1700.—बैंककारी विनियमन अधिनियम, 1949 (सहकारी समितियों पर लागू) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिज़र्व बैंक की सिफारिशों के आधार पर यह घोषित करती है कि उपर्युक्त अधिनियम की धारा 9 के उपबंध भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से लेकर पहली मार्च 1985 तक शोलापुर जिला मध्यवर्ती सहकारी बैंक लिमिटेड, शोलापुर पर उस सीमा तक लागू नहीं होंगे जहाँ तक उनका संबंध उसके किसी गैर-बैंककारी परिसंपत्ति अर्थात् महाराष्ट्र राज्य ग्राम-हिराज, तालुका-उत्तर शोलापुर जिला-शोलापुर में कृषि योग्य भूमि, खाता सं० 30, जी ए टी सं० 429,6 एकड़ 30 गुठा रखने से है।

[सं० एक० 8-3/84-ए० सी०]

S.O. 1700.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (As applicable to Cooperative Societies), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of Section 9 of the said Act shall not apply to the Sholapur District Central Co-operative Bank Ltd., Sholapur in so far as they relate to its holding of a non-banking asset viz. Agricultural Lands bearing A/C.O. 30 Gat. No. 429 measuring 6 acres 30 guntas at village Hiraj, Taluka North Sholapur, District Sholapur in Maharashtra State for the period from the date of publication of this notification in the Gazette of India to 1st March, 1985.

[No. 8-3/84-AC]

क्र० आ० 1701.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पढ़ी जाने वाली धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार रिज़र्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उपर्युक्त अधिनियम की धारा 9 के उपबंध कोल्हापुर डिस्ट्रिक्ट सेंट्रल को-ऑपरेटिव बैंक लि०, कोल्हापुर पर, जहाँ तक वे उसकी गैर-बैंकिंग आस्तियों के धारण अर्थात् कोल्हापुर

जिले के राजधानी तालुके के पनोरी में स्थित निम्नलिखित भूमि से संबंधित है, लागू नहीं होंगे।

| | एकड़ | गुंडा |
|----------------------|------|-------|
| 1. सर्वेक्षण सं० 129 | 1 | 19 |
| 2. -वही- 134 | 5 | 7 |
| 3. -वही- 164 | 8 | 10 |
| 4. -वही- 165 | 8 | 12 |

उक्त उपबंध इस अधिसूचना के भारत सरकार के राजपत्र में प्रकाशित होने की तारीख से 23 मार्च 1985 तक की अवधि के लिए लागू नहीं होंगे।

[सं० एफ० 8-3/84-ए० सी०]

S.O. 1701.—In exercise of the powers conferred by Section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of section 9 of the said Act shall not apply to the Kolhapur District Central Cooperative Bank Ltd. Kolhapur in so far as they relate to its holding of non-banking assets viz. undernoted landed property at Panori, Taluka, Radhanagar, District Kolhapur.

| | | Acres | Gudthas |
|---------------|-----|-------|---------|
| 1. Survey No. | 129 | 1 | 19 |
| 2. -do- | 134 | 5 | 7 |
| 3. -do- | 164 | 8 | 10 |
| 4. -do- | 165 | 8 | 12 |

For the period from the date of publication of this notification in the Gazette of India to 23 March, 1985.

[No. F. 8-3/84-AC]

का० आ० 1702.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर इसके द्वारा यह घोषित करती है कि जिला सहकारी केन्द्रीय बैंक मर्यादित, मिशनी, पर उक्त अधिनियम की धारा 9 के उपबंध, तिन्दुआ में इनके द्वारा धारित कनिष्य गैर बैंकिंग आस्तियों अर्थात् 1.719 हेक्टेयर भूमि के सम्बंध में इन अधिसूचना के भारत सरकार के राजपत्र में प्रकाशित होने की तारीख से 30 जून, 1984 तक की अवधि के लिए लागू नहीं होंगे।

[सं० एफ० 8-3/84-ए० सी०]

S.O. 1702.—In exercise of the powers conferred by section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1947), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of Section 9 of the said Act shall not apply to the Jila Sahakari Kendriya Bank Maryadit, Seoni in so far as they relate to its holding of certain non-banking assets viz., 1.719 hectares of land at Tindua for the period from the date of publication of this notification in the Gazette of India to 30 June 1984.

[No. F.8-3/84-AC]

नई दिल्ली, 17 अप्रैल, 1984

का० आ० 1703.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए भारतीय रिजर्व बैंक की सिफारिशों पर केन्द्र सरकार यह घोषित करती है कि हजारीबाग सेंट्रल को-ऑपरेटिव बैंक लि०, हजारीबाग पर उक्त अधिनियम की धारा 9 के उपबंध, उन के द्वा

धारित निम्नलिखित गैर बैंकिंग आस्तियों अर्थात् गांव कोठार, पोस्ट रामगढ़, थाना चैनागढ़, थाना सं० 88, एम० आर० ओ० गोला, जिला और क्षेत्रीय कार्यालय हजारीबाग के निम्नलिखित भूमि और भवन के सम्बंध में इस अधिसूचना के भारत सरकार के राजपत्र में प्रकाशित होने की तारीख से 31 अगस्त 1985 तक की अवधि के लिए लागू नहीं होंगे।

| 1 | खाता सं० | खसरा सं० |
|---|----------|----------|
| | 72 | 1169 |
| | केवट सं० | क्षेत्र |
| | 5 | 0.19 |
| | | (एकड़) |
| | जमाबंदी | |

सी० सी० बैंक के
72 एन० पी०

[सं० एफ० 8-3/84-ए० सी०]

अमर सिंह, अवर सचिव

New Delhi, the 17th April, 1984

S.O. 1703.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Hazaribagh Central Cooperative Bank Ltd., Hazaribagh in so far as they relate to its holding of following non-banking assets viz. land and building of village Kothar, P.S. Ramgarh, Thana Chainagarha, Thana No. 88, S.R.O. Gola District and Regional Office, Hazaribagh.

| 1. Khata No. | Khasra No. |
|--------------|------------|
| 72 | 1169 |
| Kewat No. | Area |
| 5 | 0.19 |
| | (Acre) |
| Jamabandi | |
| 72 N.P. of | |
| c. c. Bank | |

for the period from the date of publication of this notification in the Gazette of India to 31st August 1985.

[No. F.8-3/84-AC]
AMAR SINGH, Under Secy.

राजस्व विभाग

नई दिल्ली, 10 अप्रैल, 1984

प्रायकर संस्थापन

का० आ० 1704.—समय समय पर यथासंशोधित प्रपीलीय न्यायाधिकरण नियम 1946 के नियम 2 के उपनियम (2) के खंड (ख) के अनुमरण में केन्द्रीय सरकार एतद्वारा सहायक प्रायकर प्रायुक्त श्री के० सुब्रमण्यम को, किसी भी प्रायकर प्राधिकारी की ओर से, जो प्रायकर प्रपीलीय न्यायाधिकरण के समक्ष किसी भी कार्यवाही में एक पार्टी है, उपस्थित होने, पैरवी करने तथा कार्य करने के लिए 19 अप्रैल, 1982 से बरिष्ठ प्राधिकृत प्रतिनिधि प्रायकर प्रपीलीय न्यायाधिकरण मंत्रालय के रूप में नियुक्त करती है।

[फा० सं० ए-22012/1/84-प्रशा० VI]

रमा कान्त, अवर सचिव

(Department of Revenue)

New Delhi, the 10th April, 1984.

INCOME TAX ESTABLISHMENTS

S.O. 1704.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, as amended from time to time, The Government of India, hereby appoints Shri K. Subramanian, Assistant Commissioner of income-tax as Senior Authorised Representative, Income-tax Appellate Tribunal, Madras, with effect from 19th April, 1982, to appear, plead and act for any Income-tax Authority, who is a party to any proceedings before the Income-tax Appellate Tribunal.

[F.No. A-22012/1/84-Ad.VI]

RAMA KANT, Under Secy.

आदेश

नई दिल्ली, 17 मई, 1984

स्टाम्प

का० आ० 1705—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो आवास और शहरी विकास निगम लिमिटेड, नई दिल्ली द्वारा भाद्वे बीस करोड़ रुपये मूल्य के ऋण पत्रों के रूप में जारी किए जाने वाले ऋण पत्रों पर उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं० 35/84 स्टाम्प-का० सं० 33/32/84-बि० का०]

भगवान दास, अवर सचिव

ORDER

New Delhi, the 17th May, 1984

STAMPS

S.O. 1705.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the nature of Debentures of the value of rupees twenty crores only to be issued by the Housing and Urban Development Corporation Ltd., New Delhi are chargeable under the said Act.

[No. 35/84-Stamps-F. No. 33/32/84-ST]

BHAGWAN DAS, Under Secy.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 26 अप्रैल, 1984

का० आ० 1706—पेट्रोलियम पाइपलाइन (भूमि के उपयोग) के अधिकार का प्रजनन अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कालम 1 में उल्लिखित प्राधिकारी को उक्त अधिनियम के अधीन उक्त अनुसूची के कालम 3 में तदनुसूची प्रविष्टि में उल्लिखित

क्षेत्रीय सीमाओं के अन्तर्गत सक्षम प्राधिकारी का कार्य करने का अधिकार देती है।

| प्राधिकारी | अनुसूची | |
|---------------------------------|-----------------|------------------|
| | पता | क्षेत्राधिकार |
| 1 | 2 | 3 |
| 1. उपायुक्त, लखीमपुर | उत्तरी लखीमपुर | लखीमपुर जिला |
| 2. उप-मण्डल अधिकारी (सी) धेमाजी | धेमाजी | धेमा जं उप-मण्डल |
| | धेमाजी उप-मण्डल | |

[सं० 12017/2/84-उत्पादन]

पी० के० राजागोपालन, डेस्क अधिकारी
MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 26th April, 1984.

S.O. 1706.—In pursuance of clause (a) of Section 2 of the Petroleum Pipe Line (Acquisition of Right of User in Land Act, 1962 (50 of 1962) The Central Govt. hereby authorises the authority mentioned in column I of the schedule below to perform the function of the competent Authority under the said Act within the Territorial limits mentioned in the corresponding entry in column 3 of the said Schedule.

SCHEDULE

| Authority | Address | Territorial jurisdiction |
|-------------------------------------|-----------------|--------------------------|
| 1 | 2 | 3 |
| 1. Deputy Commissioner, Lakhimpur. | North Lakhimpur | Lakhimpur District. |
| 2. S.D.O.(C), Dhemaji Sub-Division. | Dhemaji | Dhemaji Sub-Division |

[No. O-12017/2/84-Prod.]

P. K. RAJAGOPALAN, Desk Officer

छाद्य और नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

नई दिल्ली, 11 मई, 1984

का० आ० 1707—केन्द्रीय सरकार, व्यापार और पण्य वस्तु बिहून अधिनियम, 1958 (1958 का 43) की धारा 4 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा निवेश देती है कि श्री शान्ति कुमार, संयुक्त नियंत्रक, पेटेंट्स एवं डिजाइन्स, कलकत्ता, 20 अक्तूबर, 83 से महानियंत्रक पेटेंट्स, डिजाइन्स और व्यापार बिहून की शक्तियों का प्रयोग करेंगे और उनके द्वारा किये जाने वाले कार्य करेंगे, बीसा कि भारत सरकार के उद्योग मंत्रालय, औद्योगिक विकास विभाग की 20 अक्तूबर, 1983 की अधिसूचना संख्या ए-12025/3/82-ई-IV द्वारा अधिसूचित किया गया है।

[मिसिल संख्या 26/15/आई०आई०टी०टी०एम०/82]

पी० एन० कौल, आर्थिक सलाहकार.

MINISTRY OF FOOD & CIVIL SUPPLIES

(Deptt. of Civil Supplies)

New Delhi, the 11th May, 1984

S.O. 1707.—In exercise of the powers conferred by sub-section (1) of section (4) of the Trade and Merchandise Marks Act, 1958 (43 of 1958), the Central Government hereby directs that Shri Shanti Kumar, Joint Controller of

Patents and Designs, Calcutta shall exercise the powers and functions of the Controller-General, Patents, Designs and Trade Marks with effect from the 20th October, 1983 as notified vide notification of the Government of India, in the Ministry of Industry, Department of Industrial Development No. A-12025/3/82-E. IV dated the 20th October, 1983.

[File No. 26/15/IT/TM/82]

P. N. KAUL, Economic Advisor

भारतीय मानक संस्था

नई दिल्ली, 84-04-19

क्र० भा० 1708.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियमन, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाईसेंस संख्या सी.एम/एस-1023421 जिसके व्योरे नीचे दिए गए हैं, लाईसेंसधारी के अपने अनुरोध पर 1984-02-13 से रद्द कर दिया गया है।

अनुसूची

| क्रम संख्या | लाईसेंस संख्या और दिनांक | लाईसेंसधारी का नाम और पता | रद्द किए गए लाईसेंस के अधीन वस्तु/प्रक्रिया | सम्बद्ध भारतीय मानक |
|-------------|-----------------------------|---|---|--|
| 1 | 2 | 3 | 4 | 5 |
| 1. | सीएम/एस 1023421 81-12-29 | मेसर्स अमर दालमिल, सी-42 लारेंस रोड, इंडस्ट्रियल एरिया, दिल्ली-110035 कार्यालय: 2647, नया बाजार दिल्ली-110006 | बेसन | IS : 2400-1976 बेसन की विशिष्ट (पहला पुनरीक्षण) |

[सी० एम० डी/55 : 1023421]

ए० एस० बी०, अपर महानिदेशक

INDIAN STANDARD INSTITUTION

New Delhi, Dated 84-04-19

S.O. 1708.—In pursuance of Sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulation 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-1023421 particulars of which are given below has been cancelled at the request of the licensee with effect from 84-02-13.

SCHEDULE

| Sl. No. | Licence No. and Date | Name & Address of the Licensee | Article/Process covered by the licence cancelled | Relevant Indian Standard |
|---------|--------------------------|---|--|---|
| (1) | (2) | (3) | (4) | (5) |
| 1. | CM/L-1023421 81-12-29 | M/s Amar Dal Mill, C-42, Laurance Road, Industrial Area, Delhi-110035. Office :—2647, Naya Bazar, Delhi-110006. | Besan | IS : 2400—1976 Specification for Besan (First Revision) |

[CMD/55 : 1023421]

A. S. CHEEMA, ADGM

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 9 मई, 1984

क्र० प्र० 1709.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार सहायनिका ने फारविस मंज टेलीफोन केन्द्र में दिनांक 1-6-1984 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5/15/84-पीएचबी]

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 9th May, 1984

S.O. 1709.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1-6-1984 as the date on which the Measured Rate System will be introduced in Forbesganj Telephone Exchange, Bihar Circle.

[No. 5-15/84-PHB]

नई दिल्ली, 18 मई, 1984

क्र० प्र० 1710.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार सहायनिका ने अम्बालूर टेलीफोन केन्द्र में दिनांक 1-6-1984 से प्रमाणित दर-प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-4-83 पी० एचबी०]

यों० रा० भसीन, सहायक सहायनिका (पी० एच० बी०)

New Delhi, the 18th May, 1984

S.O. 1710.—In pursuance of para (a) Section III of Rule 434 of Indian Telegraphs Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1-6-1984 as the date on which the Measured Rate System will be introduced in Ambalur Telephone Exchange, Tamil Nadu Circle.

[No. 5-4/83-PHB]

Y. R. BHASIN, Asstt. Director General (PHB)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 11 मई, 1984

क्र० प्र० 1711.—चलचित्र (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय

सरकार एतद्वारा निम्नलिखित ग्रीर व्यक्तियों को तत्काल से फिल्म प्रमाणन बोर्ड का सदस्य नियुक्त करती है:—

1. प्रो० वी० बी० बनमाली
2. श्रीमती दुर्गा खोटे
3. श्री डी० रामानुजम
4. श्रीमती वैजयन्तीमाला बाली
5. श्री एस० श्रीधर
6. श्री जी० कस्तूरी
7. श्री अकिलन
8. सुश्री अपर्णा सेन
9. श्री समिक बनर्जी
10. डा० बी० के० चन्द्रशेखर
11. श्री टी० एस० नरसिम्हन
12. श्री पी० भास्करन
13. श्री के० रविन्द्रनाथन नायर

[फाइल संख्या 811/11/83-एफ (स)]

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 11th May, 1984

S.O. 1711.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cinematograph Act, 1952 (37 of 1952), read with rule 3 of the Cinematograph (Certification) Rules, 1983, the Central Government hereby appoints the following more persons as members of the Board of Film Certification with immediate effect until further orders:—

1. Prof. V.B. Vanmali
2. Smt. Durga Khote
3. Shri D. Ramanujam
4. Smt. Vyjayantimala Bali
5. Shri S. Sreedhar
6. Shri G. Kasturi
7. Shri Akilan
8. Mrs. Aparna Sen
9. Shri Samik Banerjee
10. Dr. B.K. Chandra Shekar
11. Shri T.S. Narasimhan
12. Shri P. Bhaskaran
13. Shri K. Ravindranathan Nair

[File No. 811/11/83-F(C)]

नई दिल्ली, 14 मई, 1984

क्र० प्र० 1712.—चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा यह निदेश देती है कि निम्नलिखित व्यक्ति तत्काल से फिल्म प्रमाणन बोर्ड के सदस्य नहीं रहेंगे:—

1. श्री एस० बी० श्रीनिवासन
2. श्री एस० डी० वासुदेवन नायर
3. श्री एस० बी० कृष्णस्वामी

[फाइल संख्या 811/11/83-एफ (सी)]

के० एस० वैकटरामन, अवर सचिव

New Delhi, the 14th May, 1984

S.O. 1712.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that the following persons shall cease to be members of the Board of Film Certification with immediate effect:—

1. Shri M. B. Srinivasan
2. Shri M. T. Vasudevan Nair
3. Shri M. V. Krishnaswamy

[File No. 811/11/83-F(C)]

K. S. VENKATARAMAN, Under Secy.

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

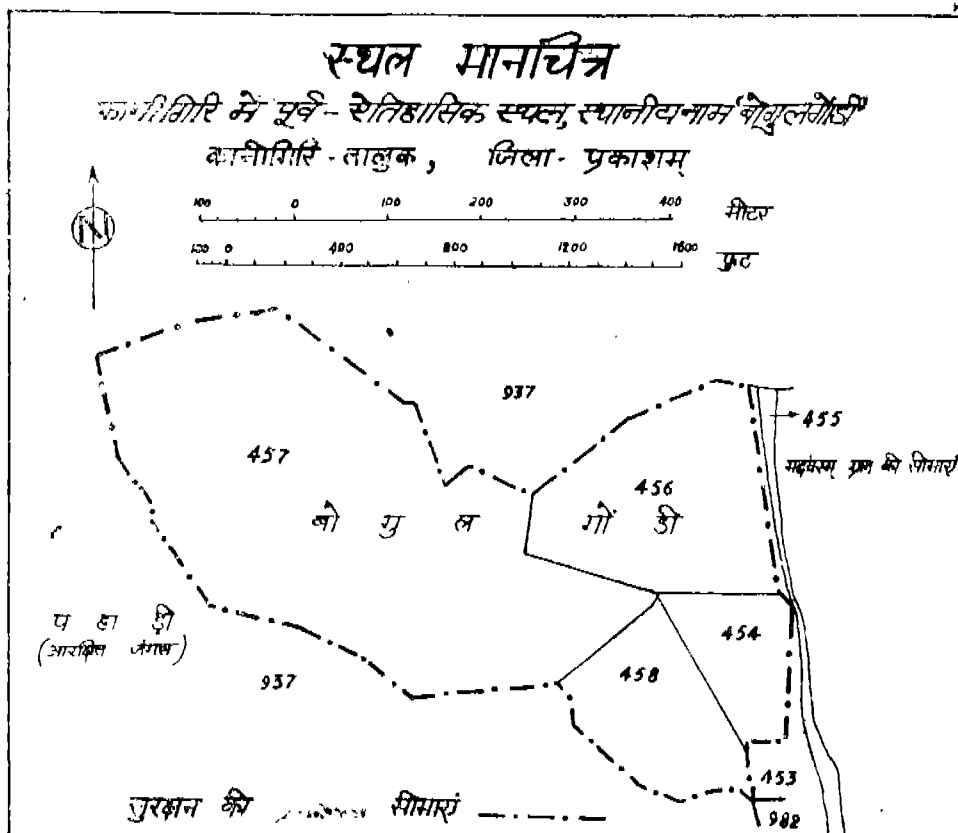
नई दिल्ली, 8 मई, 1984

(पुरातत्व)

क्रा० अा० 1713.—केन्द्रीय सरकार ने, भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii), तारीख 26 मार्च, 1983 के पृष्ठ 1651-1652

अनुसूची

| राज्य | जिला | तहसील | अवस्थान | स्थल का नाम | संरक्षण के प्राचीन सम्मिलित किए जाने वाले सर्वेक्षण प्लॉट सं० |
|--------------|---|----------|-----------|---|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| झारख प्रवेश | प्रकाशम् | कानिगिरी | कानिगिरी | नीचे दिए गए स्थल रेखांक में यथा- दर्शित सर्वेक्षण प्लॉट सं० 454, 456, 457 और 458 में समा- विष्ट 'बोगुला मोडी' नामक प्रागैतिहासिक स्थल | नीचे दिए गए स्थल रेखांक में यथादर्शित सर्वेक्षण प्लॉट सं 454, 456, 457 और 458 के भाग। |
| अ.स. | सीमाएं | | स्थानित्व | | टिप्पणियां |
| 7 | 8 | | 9 | | 10 |
| 20.69 हेक्टर | उत्तर-सर्वेक्षण प्लॉट सं० 937 का भाग। पूर्व-सर्वेक्षण प्लॉट सं 453 और 455। दक्षिण-सर्वेक्षण प्लॉट सं 937 का भाग। पश्चिम-सर्वेक्षण प्लॉट सं 937 का भाग। | | प्राचवेद | | |



DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi, the 8th May, 1984

ARCHAEOLOGY

S.O. 1713.—Whereas by the notification of the Government of India in the Department of Culture (Archaeological Survey of India), No. S.O. 1676, dated the 10th March, 1983 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 26th March, 1983, at pages 1651-1652, the Central Government gave two months' notice of its intention to declare the ancient site specified in the Schedule annexed to that notification to be of national importance

and a copy of the said notification was affixed in a conspicuous place near the said ancient site, as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

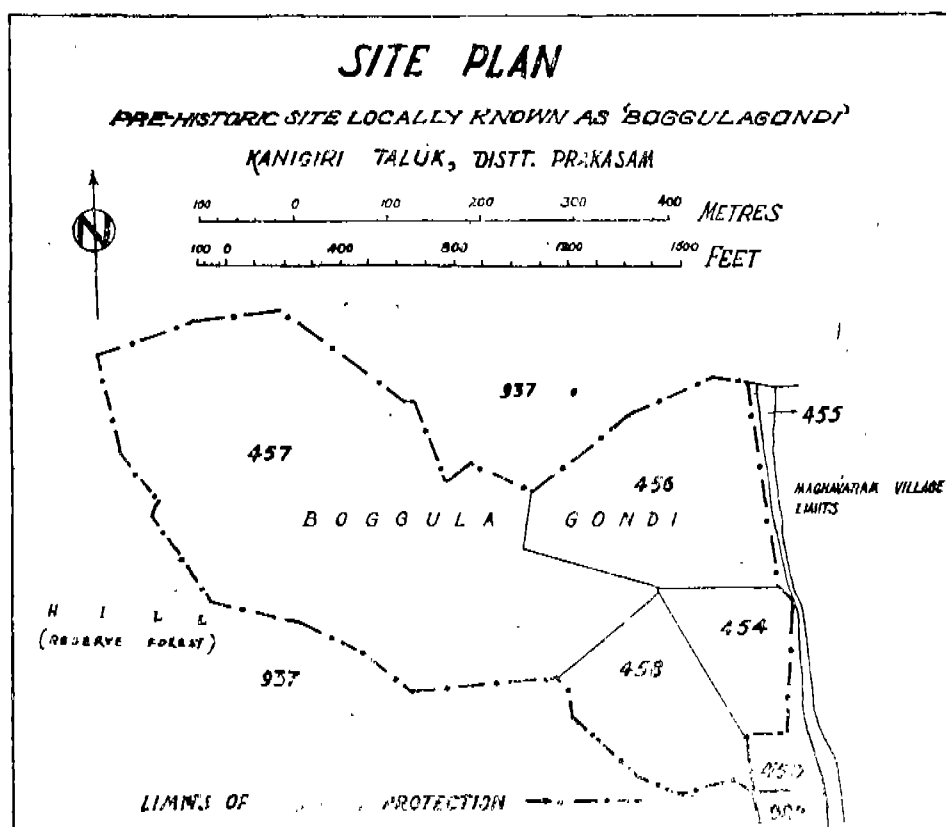
And whereas the copies of the said Gazette notification were made available to the public on the 5th April, 1983;

And whereas no objections have been received from the public by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declares the said site specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

| State | District | Tehsil | Locality | Name of site | Revenue Plot numbers included under protection | Area | Boundaries | Ownership | Remarks |
|----------------|----------|----------|----------|---|--|---------------|---|-----------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Andhra Pradesh | Prakasam | Kanigiri | Kanigiri | Pre-historic site locally known as 'Boggula Gondi' comprising in Survey plot Nos. 454, 456, 457 and 458 as shown in the site plan reproduced below. | Survey plot Nos. 454, 456, 457 and 458 as shown in the site-plan reproduced below. | 20.69 Hectare | North—Part of survey plot No. 937. East—Survey plot No. 453 and 455. South—Part of Survey plot No. 937. West—Part of survey plot No. 937 | Private | |



क्रि० आ० 1714.—केन्द्रीय सरकार की राय है कि इससे उपरिष्ठ अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व का है,

अतः, केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्त्विक स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रवर्ण्य शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक की

राष्ट्रीय महत्व का घोषित करने के अपने आशय की वा मास की सूचना देती है।

केन्द्रीय सरकार, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन संस्मारक में हितवद् किसी भी व्यक्ति से प्राप्त किसी आक्षेप पर विचार करेगी।

अनुसूची

| राज्य | जिला | तहसील | प्रवस्थान | संस्मारक का नाम | संरक्षण के अधीन सम्मिलित किए जाने वाले राजस्व प्लॉट सं० | क्षेत्र |
|---------------|------|-------|-----------|---|--|--------------|
| हिमाचल प्रदेश | सोहन | भर्की | भर्की नगर | भर्की का किला जिसमें किलाबंदी दीवार और प्रवेश द्वार समाविष्ट है। दीवानाखाना, अष्टकोणीय कमरा और अन्य भवन (मुख्य महल के कमरे को छोड़कर) के साथ सर्वेक्षण प्लॉट सं० 284 और 285 के भाग रूप पारस्परिक क्षेत्र जैसा कि नीचे दिए हुए स्थल रेखांक में दर्शाया गया है। | सर्वेक्षण प्लॉट सं० 284 और 285 के भाग जैसा कि नीचे दिए हुए स्थल रेखांक में दर्शाया गया है। | 0.767 हेक्टर |

सीमाएं

स्वामित्व

टिप्पणियां

उत्तर :—सर्वेक्षण प्लॉट सं० 235 का शेष भाग।

पूर्व :—सर्वेक्षण प्लॉट सं० 285 का शेष भाग।

निजी

राजा रबीन्दर सिंह के उपयोग हे।

दक्षिण :—सर्वेक्षण प्लॉट सं० 282 (सड़क)।

पश्चिम :—सर्वेक्षण प्लॉट सं० 284 का शेष भाग।

S.O. 1714.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

its intention to declare the said ancient monument to be of national importance;

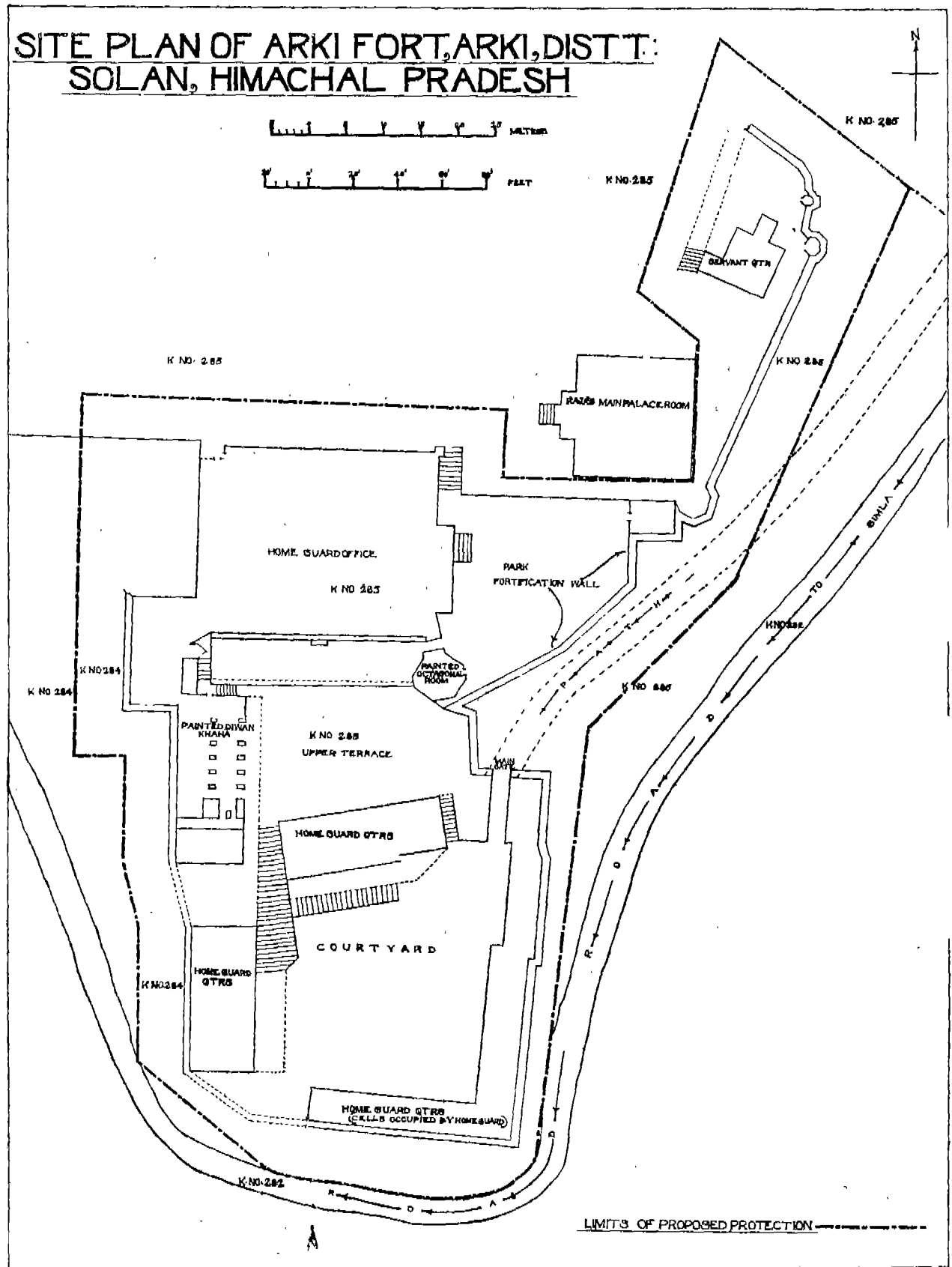
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months' notice of

Any objection which may be received within a period of two months from the date of publication of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

SCHEDULE

| State | District | Tehsil | Locality | Name of monument | Revenue plot numbers to be included under protection | Area | Boundaries | Ownership | Remarks |
|------------------|----------|--------|-----------|--|---|----------------|--|-----------|-------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Himachal Pradesh | Solan | Arki | Arki Town | Fort at Arki comprising of fortification wall, and 285 as gateway, Diwan-Khana and octagonal room and other buildings (excluding the main palace room) together with the adjacent area in part of survey plot No 284 and 285 as shown in the site plan reproduced below. | Parts of survey plot Nos, 284 shown in the site plan reproduced below | 0.767 Hactares | North,— Remaining portion of survey plot No, 285 East,— Remaining portion of survey plot No 285 South,— Survey Plot No. 282 (Road) West,— Remaining portions of survey plot No. 284 | Private | In use of Raja Ravinder Singh |

SITE PLAN OF ARKI FORT, ARKI, DIST T: SOLAN, HIMACHAL PRADESH



का० आ० 1715.—केंद्रीय सरकार की राय है कि हममें उपावद्ध अनुसूची में विनिर्दिष्ट प्राचीन स्थल राष्ट्रीय महत्व का है,

अतः, अब, केंद्रीय सरकार, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 1 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए, उक्त प्राचीन

स्थल को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो मास की सूचना देती है,

एसे आक्षेप पर जो हम अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन स्थलों में हितवद्ध किसी भी व्यक्ति में प्राप्त होगा केंद्रीय सरकार विचार करेगी।

अनुसूची

| राज्य | जिला | पुलिस थाना | अवस्थान | स्थल का नाम | संरक्षण के अधीन सम्मिलित किए जाने वाले सर्वेक्षण प्लॉट सं. | क्षेत्रफल |
|---|-----------------|------------|---------------------|--|--|------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| त्रिपुरा | दक्षिण त्रिपुरा | बिलोनिया | ग्राम पश्चिम पिंलाक | प्राचीन टीला जो ठकुरानी टीला के नाम से जाना जाता है। | सर्वेक्षण प्लॉट सं० 2289 | 0 46 एकड़ |
| सीमाएं | | | | | स्वामित्व | टिप्पणियां |
| 8 | | | | | 9 | 10 |
| उत्तर :—सर्वेक्षण प्लॉट सं० 2287, 2290, 2291, 2292, 2293, 2295, 2296 और 3002 | | | | | सरकारी | कुछ नहीं |
| पूर्व :—सर्वेक्षण प्लॉट सं० 2302, 2303, 2304, 2305, 2323, 2324, 2325 और 2396। | | | | | | |
| दक्षिण :—सर्वेक्षण प्लॉट सं० 2308, 2309 और 2310 | | | | | | |
| पश्चिम :—सर्वेक्षण प्लॉट सं० 2299, 3729, 3731, 3732 और 3733। | | | | | | |

[सं० 2/25/83-स्मा०]

डा० एम० एस० नागराजराव, महातिथेशक
और पदेन संयुक्त सचिव

S.O. 1715.—Whereas the Central Government is of the opinion that the ancient site specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives two months' notice of

its intention to declare the said ancient site to be of national importance;

Any objection which may be received within a period of two months from the date of publication of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

SCHEDULE

| State | District | Police Station | Locality | Name of the site | Revenue plot numbers to be included under protection | Area | Boundaries | Ownership | Remarks |
|---------|---------------|----------------|-----------------------|--------------------------------------|--|------------|--|------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Tripura | South Tripura | Bilonia | Village Paschim Pilak | Ancient mound called Thakurani Tilla | Survey plot No. 2289 | 0.46 Acres | North— Survey plot Nos. 2287, 2290, 2291, 2292, 2293, 2295, 2296, and 3002 East— Survey plot Nos 2302, 2303, 2304, 2305, 2323, 2324, 2325, and 2396 South— Survey plot No. 2308, 2309 and 2310. West— Survey plot Nos. 2299, 3729, 3731, 3732 and 3733. | Government | Nil |

[No. 2/25/83-M]

DR. M.S. NAGARAIA RAO,
Director General and Ex-Officio Jt. Secy.

दिल्ली विकास प्राधिकरण

नई दिल्ली, 21 मई, 1984

सार्वजनिक सूचना

का०आ० 1716.—दिल्ली विकास अधिनियम, 1957 (1957 की संख्या 61) की धारा 11 के अन्तर्गत सूचना।

एतद्वारा सूचित किया जाता है कि :—

(क) केन्द्रीय सरकार ने दिल्ली विकास अधिनियम, 1957 (1957 की संख्या 61) की धारा 9 की उपधारा (2) के अन्तर्गत जोन एफ-18 (तुगलकाबाद क्षेत्र) की क्षेत्रीय विकास योजना को अनुमोदित कर दिया है।

(ख) उक्तानुसार अनुमोदित नक्शे की एक प्रति दिल्ली विकास प्राधिकरण के कार्यालय विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में सभी कार्यशील दिनों में पूर्वाह्न 11.00 बजे से अपराह्न 3.00 बजे तक निरीक्षण हेतु उपलब्ध है।

[संख्या एफ० 4(13)/79-एम०पी०]

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 21st May, 1984

PUBLIC NOTICE

S.O. 1716.—Notice under Section 11 of the Delhi Development Act, 1957 (No. 61 of 1957).

Notice is hereby given that :—

1. (a) The Central Government have under sub-section (2) of Section 9 of the Delhi Development Act, 1957 (No. 61 of 1957), approved the Zonal Development Plan for Zone F-18 (Tuglakabad area).

(b) A copy of the Plan as approved be inspected at the office of the Delhi Development Authority, Delhi Vikas Minar, I.P. Estate, New Delhi between the hours of 11.00 A.M. and 3.00 P.M. on all working days.

[No F. 4(13)/79-MP]

(क्षेत्रीय योजना शाखा)

नई दिल्ली, 21 मई, 1984

सार्वजनिक सूचना

का०आ० 1717.—दिल्ली विकास अधिनियम 1957 (1957 की संख्या 61) की धारा 11 के अन्तर्गत सूचना।

एतद्वारा सूचित किया जाता है कि—

1. (ए) केन्द्रीय सरकार ने दिल्ली विकास अधिनियम, 1957 (1957 की संख्या 61) की धारा 9 की उपधारा (2) के अन्तर्गत जोन ए-7 (मोतिया खान) की क्षेत्रीय विकास योजना को अनुमोदित कर दिया है।

2. (बी) उक्तानुसार अनुमोदित नक्शे की एक प्रति दिल्ली विकास प्राधिकरण के कार्यालय विकास मीनार, इन्द्रप्रस्थ इस्टेट, नई दिल्ली में सभी कार्यशील दिनों में पूर्वाह्न 11.00 बजे से अपराह्न 3.00 बजे तक निरीक्षण हेतु उपलब्ध है।

[संख्या एफ० 4(17)/67 एम०पी०]

नाथू राम, सचिव

(Zonal Plan Branch)

New Delhi, the 21st May, 1984

PUBLIC NOTICE

S.O. 1717.—Notice under Section 11 of the Delhi Development Act, 1957 (No. 61 of 1957).

NOTICE IS HEREBY GIVEN THAT :—

1. (a) The Central Government have under sub-section (2) of Section 9 of the Delhi Development Act, 1957 (No. 61 of 1957), approved the Zonal Development Plan for zone A-7 (Motia Khan).

b) A copy of the plan as approved may be inspected at office of the Delhi Development Authority, Delhi Vikas Minar, I.P. Estate, New Delhi between the hours of 11.00 A.M. and 3.00 P.M. on all working days.

[No. F. 4(17)/67-MP]
NATHU RAM, Secy.

भ्रम मंत्रालय

नई दिल्ली 4 अप्रैल, 1984

हा० आ० 1718.—केन्द्रीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भ्रम मंत्रालय की अधिसूचना सं० का० आ० 962, तारीख 22 मार्च, 1974 को अधिकांश करने हुए, नीचे दी गई सारणी के स्तम्भ 1 में उल्लिखित अधिकारियों को, सरकार के राजपत्रित अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ 2 में तत्त्वानु प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता को स्थानीय सोमाओं के भीतर, उक्त अधिनियम के द्वारा या उसके अंतर्गत सम्पदा अधिकारियों को प्रवृत्त शक्तियों का प्रयोग करेंगे और मौके पर कार्य करेंगे।

सारणी

| अधिकारी का पदनाम | सरकारी स्थानों के प्रवर्त और अधिकारिता की स्थानीय सोमाएं |
|---|---|
| 1 | 2 |
| 1. प्रशासनिक अधिकारी, फोरमैन प्रशिक्षण संस्थान, तुमकुर रोड, बंगलोर-22 | बंगलोर में केन्द्रीय सरकार के या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान जो निदेशक, फोरमैन प्रशिक्षण संस्थान, तुमकुर रोड बंगलोर के प्रशासनिक नियंत्रण में हैं। |
| 2. प्रशासनिक अधिकारी, उच्च प्रशिक्षण संस्थान, गिन्डी, मद्रास-600032 | मद्रास में केन्द्रीय सरकार के या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान, जो निदेशक उच्च प्रशिक्षण संस्थान, गिन्डी मद्रास और केन्द्रीय अनुदेशक प्रशिक्षण संस्थान गिन्डी, मद्रास के प्रशासनिक नियंत्रण में हैं। |

| 1 | 2 | 3 |
|--|--|---|
| 3. रजिस्ट्रार, उच्च प्रशिक्षण संस्थान, सायन, ट्राम्बे रोड, मुम्बई-1। | बम्बई में केन्द्रीय या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान, जो निदेशक, उच्च प्रशिक्षण संस्थान, सायन ट्राम्बे रोड, मुम्बई के प्रशासनिक नियंत्रण में हैं। | |
| 4. रजिस्ट्रार, उच्च प्रशिक्षण संस्थान, दासनगर, हावड़ा। | कलकत्ता / हावड़ा में केन्द्रीय सरकार के या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान, जो निदेशक, उच्च प्रशिक्षण संस्थान दासनगर, हावड़ा के प्रशासनिक नियंत्रण में हैं। | |
| 5. रजिस्ट्रार, उच्च प्रशिक्षण संस्थान, हैदराबाद। | हैदराबाद में केन्द्रीय सरकार के या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान, जो निदेशक, उच्च प्रशिक्षण संस्थान, हैदराबाद के प्रशासनिक नियंत्रण में हैं। | |
| 6. रजिस्ट्रार, उच्च प्रशिक्षण संस्थान, कानपुर। | कानपुर में केन्द्रीय सरकार के या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान, जो निदेशक, उच्च प्रशिक्षण संस्थान, गोविन्दनगर, कानपुर के प्रशासनिक नियंत्रण में हैं। | |
| 7. रजिस्ट्रार, उच्च प्रशिक्षण संस्थान, लुधियाना। | लुधियाना में केन्द्रीय सरकार या उसके द्वारा और उसकी ओर से पट्टे पर लिए गए या अधिग्रहीत स्थान जो निदेशक, उच्च प्रशिक्षण संस्थान, गिल रोड, लुधियाना के प्रशासनिक नियंत्रण में हैं। | |

[ई जी ई एण्ड टी-डी-11014/4/83-टी ए-III]
पी० आर० रामाकृष्णन, उप सचिव

MINISTRY OF LABOUR
(D.G. E. & T.)

New Delhi, the 4th April, 1984

S.O. 1718.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Labour No. S.O. 962 dated the 22nd March, 1974, the Central Government hereby appoints the Officers mentioned in the column 1 of the Table below, being Gazetted Officers of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers con-

ferred and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entry in column 2 of the said Table :—

TABLE

| Designation of Officer | Categories of public premises and local limits of Jurisdiction |
|--|--|
| 2 | 1 |
| 1. Administrative Officer, Foreman Training Institute, Tumkur Road Bangalore-22. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Bangalore and which are under the administrative control of the Director, Foreman Training Institute, Tumkur Road, Bangalore. |
| 2. Administrative Officer, Advanced Training Institute, Guindy, Madras-600032. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Madras and which are under the administrative control of the Director, Advanced Training Institute, Guindy, Madras as well as Central Training Institute for Instructors, Guindy, Madras. |
| 3. Registrar, Advanced Training Institute, Sion, Trombay Road, Bombay. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Bombay and which are under the administrative control of the Director, Advanced Training Institute, Sion, Trombay Road, Bombay. |
| 4. Registrar, Advanced Training Institute, Dasnagar, Howrah. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Calcutta/Howrah and which are under the administrative control. |

| 1 | 2 |
|---|---|
| | of the Director, Advanced Training Institute, Dasnagar, Howrah. |
| 5. Registrar, Advanced Training Institute, Hyderabad. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Hyderabad and which are under the administrative control of the Director, Advanced Training Institute, Hyderabad. |
| 6. Registrar, Advanced Training Institute, Kanpur. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Kanpur and which are under the administrative control of the Director, Advanced Training Institute, Govindnagar, Kanpur. |
| 7. Registrar, Advanced Training Institute, Ludhiana. | Premises belonging to or taken on lease or requisitioned by and on behalf of the Central Government in Ludhiana and which are under the administrative control of the Director, Advanced Training Institute, Gill Goad, Ludhiana. |

[No. DGE&T-D-11014/4/83-TA-II]

P. R. RAMAKRISHNAN, Dy. Secy.

नई दिल्ली, 25 अप्रैल, 1984

का०आ० 1719.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 87 द्वारा शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 1562, तारीख 1 अप्रैल, 1982 के क्रम में इंडियन आइल कार्पोरेशन लिमिटेड, मुम्बई के इससे उपासक अनुसूची में विनिर्दिष्ट कारखानों को उक्त अधिनियम के प्रवर्तन से 1 जुलाई, 1982 से 30 जून, 1983 तक की, जिसमें यह तारीख भी सम्मिलित है, एक वर्ष की ओर अवधि के लिए छूट देती है।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्:—

(1) उक्त कारखानों का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्ररूप में और ऐसी विधिनिष्ठो सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1960 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी:—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणों की विधिनिष्ठियों को सत्यापित करने के प्रयोजनों के लिए; या

(2) यह अभिविधित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं; या

(3) यह अभिविधित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्रमुविधाओं को, जो ऐसी प्रमुविधाएँ हैं जिनके प्रतिकल्पस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(4) यह अभिविधित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपायों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने को सशक्त होगा,—

(क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे जानकारी दे जो वह आवश्यक समझे; या

(ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिनियम में कारखाने के स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उनके भारमाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेख, बहियाँ और अन्य दस्तावेजों, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या उ वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या

(ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखावही या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

अनुसूची

| क्रम सं० | राज्य या संघ राज्यक्षेत्र का नाम | क्षेत्र का नाम | कारखाने का नाम |
|----------|----------------------------------|----------------|---|
| 1 | 2 | 3 | 4 |
| 1. | आन्ध्र प्रदेश | विद्यावापनतम-1 | इंडियन आइल कार्पोरेशन लिमिटेड (विपणन प्रभाग) पोस्ट बास्म सं० 54 मल्का-पुरम इन्स्टालेशन, विद्यावापनतम-1 |

| 1 | 2 | 3 | 1 | 2 | 3 |
|------------------|----------------|--|-------------------|---------------|--|
| 2. आन्ध्र प्रदेश | मिकन्दराबाद | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) पोस्ट बाक्स सं० 1634, आर० आर० सी० ग्राउंड, मिकन्दराबाद। | 14. तमिल नाडु | मद्रास | इंडियन आइल कारपोरेशन लिमिटेड, विमानन ईंधन स्टेशन, मीनामबनकम, विमान पत्तन, मद्रास। |
| 3. आन्ध्र प्रदेश | विजयबाड | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), स्टेशन रोड, विजयबाड। | 15. तमिल नाडु | मद्रास | इंडियन आइल कारपोरेशन लिमिटेड, ट्यूब स्प्रिंग प्लांट, एन० रे हार्डरोड, तेनियारपेट, मिक्वेतिमार डाकघर, मद्रास-81 |
| 4. आन्ध्र प्रदेश | मिकन्दराबाद-14 | इंडियन आयल कारपोरेशन लिमिटेड, विमानन ईंधन स्टेशन, डाकघर हाकिमपेट वायुसेना स्टेशन, मिकन्दराबाद-14। | 16. महाराष्ट्र | मुम्बई | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग) सरकारी खाद्यान्न गोशाम के निकट, बडाला, मुम्बई-31। |
| 5. दिल्ली | दिल्ली | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग) एन० पी० जी० बाटलिंग प्लांट शकुन बस्ती, दिल्ली-26 | 17. महाराष्ट्र | मुम्बई | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग), टाटा ताप बिद्युत संयंत्र के पास, डाम्बे, कोरीडोर रोड, मुम्बई-74। |
| 6. दिल्ली | दिल्ली | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग) मिर्जाजी पार्क के सामने, शकुन बस्ती दिल्ली-110026 | 18. महाराष्ट्र | मुम्बई | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग), राजबहादुर मोतीलाल रोड, पुणे। |
| 7. दिल्ली | दिल्ली | इंडियन आयल कारपोरेशन लिमिटेड विमानन ईंधन स्टेशन, सबर बाजार रोड, मोर लाहन के निकट, पालम, दिल्ली छावनी-10 | 19. महाराष्ट्र | मुम्बई | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग), सिक्की रेल स्टेशन के सामने, मुम्बई-15। |
| 8. केरल | कोचीन | इंडियन आयल पोरेशन लिमिटेड (विपणन प्रभाग) परि करप कांचान, प्रतिष्ठान पोस्ट बाक्स सं० 8-त्रिगुनीया बाया कोचीन। | 20. महाराष्ट्र | मुम्बई | इंडियन आइल कारपोरेशन लिमिटेड, विमानन ईंधन स्टेशन, सान्ताक्रुज विमान पत्तन, मुम्बई-29। |
| 9. केरल | कोचीन | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), कोचीन पोस्ट बाक्स सं० 535, घिलिगटन हाव, हारबर रोड, कोचीन-3। | 21. कर्नाटक | बंगलौर | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग), नागदी रोड, पोस्ट बाक्स सं० 3, बंगलौर-23। |
| 10. केरल | कोचीन | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), मशाका मार्ग, पोस्ट बाक्स 1759, एन०कुलम, कोचीन-16। | 22. कर्नाटक | बंगलौर | इंडियन आइल कारपोरेशन लिमिटेड, विमानन ईंधन स्टेशन, बंगलौर विमान पत्तन, बंगलौर। |
| 11. तमिल नाडु | मद्रास | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) एन० व हाईरोड, मद्रास। | 23. आन्ध्र प्रदेश | हैदराबाद | इंडियन आयल कारपोरेशन लिमिटेड, विमानन ईंधन स्टेशन, विमानपत्तन, हैदराबाद। |
| 12. तमिल नाडु | मद्रास | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), कोरुपेट, मद्रास-21। | 24. पंजाब | जालंधर | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), रेल गुडम शैंड रोड, जालंधर। |
| 13. तमिल नाडु | मद्रास | इंडियन आइल कारपोरेशन लिमिटेड (विपणन प्रभाग), उत्तर रेल टर्मिनल रोड, रोयापुरम, मद्रास। | 25. हरियाणा | भम्बाला छावनी | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), बैंक सेंटर, भम्बाला छावनी। |
| | | | 26. हरियाणा | हिसार | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग), हिसार। |

| 1 | 2 | 3 | 1 | 2 | 3 |
|------------------|--------------|--|--|--------|---|
| 27. उत्तर प्रदेश | कानपुर | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) अरमापुर, कानपुर। | 40. उत्तर प्रदेश | कानपुर | इंडियन आयल कारपोरेशन लिमिटेड (परिष्करण और पाइप लाइन्स प्रभाग), कानपुर स्टेशन, अरमापुर, कानपुर। |
| 28. महाराष्ट्र | नागपुर | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) मोतीबाग, नागपुर। | 41. राजस्थान | जयपुर | आई ओ सी (मार्केटिंग डिबीज) डिबीजन आफिस, ओबे हाउस, अपोजिट रेजिडन्सी, डाक-बग बास्न नं 811, जयपुर-322001 |
| 29. पश्चिम बंगाल | कलकत्ता | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) दम दम विमानत इंड्रस स्टेशन, दम दम विमान प्लान, कलकत्ता। | 42. राजस्थान | जयपुर | आई ओ सी (मार्केटिंग डिबीज) जयपुर डिपो, जयपुर साउथ, जयपुर। |
| 30. पश्चिम बंगाल | पहाड़ पुर | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) पहाड़ पुर प्रतिष्ठापन पश्चिम बंगाल। | [मंड्या एम-38014/29/82-एच आई] | | |
| 31. पश्चिम बंगाल | कलकत्ता | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) मोरीग्राम प्रतिष्ठापन डाकघर राधादासी, जिला हाइडा। | स्वच्छीकरण लापन | | |
| 32. पश्चिम बंगाल | 24-परगना | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) बज बज प्रतिष्ठापन, डाकघर बज बज, 24-परगना, पश्चिम बंगाल। | <p>इस मामले में छूट के प्रस्ताव के संबंध में कार्यवाई करने में कुछ समय लग गया था इसलिए छूट को भूतलभी प्रभाव देना आवश्यक हो गया है। यह प्रमाणित किया जाता है कि छूट को भूतलभी प्रभाव देने से किमी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।</p> <p style="text-align: right;">New Delhi, the 25th April, 1984</p> <p>S.O.1719.—In exercise of the powers conferred by section 87, read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour, No. S.O. 1562, dated the 1st April, 1982, the Central Government hereby exempts the factories, specified in the Schedule annexed hereto belonging to the Indian Oil Corporation Limited, Bombay from the operation of the said Act for a further period of one year with effect from 1st July, 1982 upto and inclusive of the 30th June, 1983.</p> <p>2. The above exemption is subject to the following conditions, namely:—(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;</p> <p>(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf shall, for the purposes of—</p> <p>(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or</p> <p>(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or</p> <p>(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or</p> | | |
| 33. असम | गोहाटी | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) गोहाटी, प्रतिष्ठापन, गोहाटी। | | | |
| 34. बिहार | पटना | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) पटना प्रतिष्ठापन, पटना। | | | |
| 35. उत्तर प्रदेश | आगरा | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) खेरिया विमान क्षेत्र, आगरा-3 | | | |
| 36. केरल | तूनीकोरिन | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) तूनीकोरिन प्रतिष्ठापन, बन्नेरगाह परियोजना, परिसर, तूनीकोरिन-4। | | | |
| 37. उड़ीसा | कटक | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) शिकार पुर डाकघर चौलीगंज, कटक। | | | |
| 38. गोवा | वास्कोडिगामा | इंडियन आयल कारपोरेशन लिमिटेड, (विपणन प्रभाग) वास्कोडिगामा, गोवा। | | | |
| 39. कर्नाटक | मंगलूर | इंडियन आयल कारपोरेशन लिमिटेड (विपणन प्रभाग) मंगलूर प्रतिष्ठापन, मंगलूर। | | | |

(iv) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises:

SCHEDULE

| Sl. No. | Name of the State or Union Territory | Name of area | Name of factory |
|---------|--------------------------------------|-----------------|--|
| 1 | 2 | 3 | 4 |
| 1. | Andhra Pradesh | Visakhapatnam-I | Indian Oil Corporation Limited (Marketing Division), Post Box No. 54, Malkapuram Installation, Visakhapatnam-I. |
| 2. | Andhra Pradesh | Secunderabad | Indian Oil Corporation Limited (Marketing Division), Post Box No. 1634, RRC Ground, Secunderabad. |
| 3. | Andhra Pradesh | Vijaywada | Indian Oil Corporation Limited, (Marketing Division), Station Road, Vijayawada. |
| 4. | Andhra Pradesh. | Secunderabad-14 | Indian Oil Corporation Limited, Aviation Fuel Station, Post Office Hakimpet Air Force Station, Secunderabad-14. |
| 5. | Delhi | Delhi | Indian Oil Corporation Limited, (Marketing Division), L.P.G. Bottling Plant, Shakunbasti, Delhi-26. |
| 6. | Delhi | Delhi | Indian Oil Corporation Limited (Marketing Division), Opposite Sivaji Park, Shakunbasti, Delhi-26. |
| 7. | Delhi | Delhi | Indian Oil Corporation Limited, Aviation Fuel Station, Sadar Bazar Road, Near More Line, Palam, Delhi Cantt-10. |
| 8. | Kerala | Cochin | Indian Oil Corporation Limited (Marketing Division), Cochin Refinery Installation, Post Box No. 8, Tripunith Via Cochin. |

| 1 | 2 | 3 | 4 |
|-----|-------------|-----------|--|
| 9. | Kerala | Cochin | Indian Oil Corporation Limited (Marketing Division), Cochin, Post Box No. 535, Willingdon Island Harbour Road, Cochin-3. |
| 10. | Kerala | Cochin | Indian Oil Corporation Limited (Marketing Division), Mashaka Road, Post Bag 1759, Ernakulam, Cochin-16. |
| 11. | Tamil Nadu | Madras | Indian Oil Corporation Limited (Marketing Division), Ernovc High Road, Madras. |
| 12. | Tamil Nadu | Madras | Indian Oil Corporation Limited (Marketing Division), Korukupet, Madras-21. |
| 13. | Tamil Nadu | Madras | Indian Oil Corporation Limited (Marketing Division), North Railway Terminus Road, Royapuram, Madras. |
| 14. | Tamil Nadu | Madras | Indian Oil Corporation Limited, Aviation Fuel Station, Meenanbakkam Airport, Madras. |
| 15. | Tamil Nadu | Madras | Indian Oil Corporation Limited, Tube Blending Plant, Ennere High Road, Teniarpet Tiruvethiyar Post, Madras-81. |
| 16. | Maharashtra | Bombay | Indian Oil Corporation Limited, (Marketing Division), Near Government Food Grains Godowns Wadala, Bombay-31. |
| 17. | Maharashtra | Bombay | Indian Oil Corporation Limited (Marketing Division), Near Tata Thermal Power Plant, Trombay, Corridor Road, Bombay-74. |
| 18. | Maharashtra | Bombay | Indian Oil Corporation Limited (Marketing Division), Rajbahadur Matilal Road, Poona. |
| 19. | Maharashtra | Bombay | Indian Oil Corporation Limited (Marketing Division), Opposite Sewaree Railway Station, Bombay-15. |
| 20. | Maharashtra | Bombay | Indian Oil Corporation Limited, Aviation Fuel Station, Santa Cruz Airport, Bombay-29. |
| 21. | Karnataka | Bangalore | Indian Oil Corporation Limited (Marketing Division), Nagadi Road, Post Bag No. 3, Bangalore-23. |
| 22. | Karnataka | Bangalore | Indian Oil Corporation Limited, Aviation Fuel Station, Bangalore Airport, Bangalore. |

| 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 |
|--------------------|---------------|--|---|-------------------|---------------|--|---|
| 23. Andhra Pradesh | Hyderabad | Indian Oil Corporation Limited, Aviation Fuel Station, Airport, Hyderabad. | | 38. Goa | Vasco-de-Gama | Indian Oil Corporation Limited (Marketing Division), Vasco-de-Gama, Goa. | |
| 24. Punjab | Jullundur | Indian Oil Corporation Limited, (Marketing Division), Railway Good Shed Road, Jullundur. | | 39. Karnataka | Mangalore | Indian Oil Corporation Limited, (Marketing Division), Mangalore Installations, Mangalore. | |
| 25. Haryana | Ambala Cantt. | Indian Oil Corporation Limited (Marketing Division), Bulk Centre, Ambala Cantt. | | 40. Uttar Pradesh | Kanpur | Indian Oil Corporation Limited (Refineries) and Pipe Lines Division) Kanpur-I Station, Armapur, Kanpur. | |
| 26. Haryana | Hissar | Indian Oil Corporation Limited (Marketing Division) Hissar. | | 41. Rajasthan | Jaipur | Indian Oil Corporation Limited (Marketing Division), Divisional Office, Chome House, Opposite Residency P.O. Box No. 811, Jaipur-302001. | |
| 27. Uttar Pradesh | Kanpur | Indian Oil Corporation Limited (Marketing Division), Armapore, Kanpur. | | 42. Rajasthan | Jaipur | Indian Oil Corporation Limited (Marketing Division), Jaipur Depot, Jaipur South Jaipur. | |
| 28. Maharashtra | Nagpur | Indian Oil Corporation Limited (Marketing Division) Moti Bagh, Nagpur. | | | | | |
| 29. West Bengal | Calcutta | Indian Oil Corporation Limited (Marketing Division), Dum-Dum Aviation Fuel Station, Dum-Dum Airport, Calcutta. | | | | | |
| 30. West Bengal | Paharpur | Indian Oil Corporation Limited (Marketing Division) Paharpur Installations, West Bengal. | | | | | |
| 31. West Bengal | Calcutta | Indian Oil Corporation Limited (Marketing Division) Mourigram Installations, Post Office Radhadasi, Distt. Howrah. | | | | | |
| 32. West Bengal | 24-Parganas | Indian Oil Corporation Limited (Marketing Division), Budge Budge Installations, Post Office Budge Budge 24, Parganas, West Bengal. | | | | | |
| 33. Assam | Gauhati | Indian Oil Corporation Limited (Marketing Division) Gauhati Installation, Gauhati. | | | | | |
| 34. Bihar | Patna | Indian Oil Corporation Limited (Marketing Division), Patna Installation, Patna. | | | | | |
| 35. Uttar Pradesh | Agra | Indian Oil Corporation Limited (Marketing Division), Kheria Air, Field, Agra-3. | | | | | |
| 36. Kerala | Tuticorin | Indian Oil Corporation Limited (Marketing Division), Tuticorin Installations, Harbour Project Premises, Tuticorin-4. | | | | | |
| 37. Orissa | Cuttack | Indian Oil Corporation Limited (Marketing Division), Shikarpore, P.O., Chauli ganj, Cuttack. | | | | | |

[No. S-38014/29/82-HI]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of the proposal for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

(अम विभाग)

नई दिल्ली, 8 मई, 1984

क्र० आ० 1720.—कर्मचारी राज्य बीमा अधिनियम, 1984 (1948 का 34) की धारा 1 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 13 मई, 1984 की उम तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्ति की जा चुकी है] के उपबन्ध पश्चिम बंगाल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“जिला हुगली में

सेरगपुर उप-मण्डल के

अस्तित्व वाली ताला पुलिस स्टेशन”।

[संख्या एम०-38013/7/84-एच आई]

(Department of Labour)

New Delhi, the 8th May, 1984

S.O. 1720.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 13th May, 1984 as the date on which the provisions of Chapter IV (except sections 44 and 45 which

have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of West Bengal, namely:—

“Chanditala Police Station under Serampore Sub-Division in the District of Hooghly”

[No. S-38013/7/84HI]

नई दिल्ली, 10 मई, 1984

का० प्रा० 1721.—राजस्थान राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (i) के खण्ड (घ) के अनुसरण में डा० गान प्रकाश के स्थान पर डा० ए० बी० एल० माथुर, निदेशक, चिकित्सा एवं स्वास्थ्य सेवाएँ, राजस्थान, जयपुर को चिकित्सा प्रमुखिधा परिपत्र में उस राज्य में प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उप-धारा (i) के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० प्रा० 3329, दिनांक 19 नवम्बर, 1981 में निम्नलिखित संशोधन करती है, अर्थातः—

उक्त अधिसूचना में (संबंधित राज्य सरकारों द्वारा धारा 10 की उप धारा (i) के खण्ड (घ) के अधीन नामनिर्दिष्ट) शीर्षक के नीचे मब 19 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जावेगी, अर्थातः—

“डा० ए० बी० एल० माथुर,
निदेशक, चिकित्सा एवं स्वास्थ्य सेवाएँ
राजस्थान सरकार, जयपुर।”

[संख्या यू-16012/12/82-एच० आई०]
ए० के० भट्टराई, प्रवर सचिव

New Delhi, the 10th May, 1984

S.O. 1721.—Whereas the State Government of Rajasthan has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Dr. A.B.L. Mathur, Director, Medical and Health Services, Rajasthan, Jaipur to represent that State on the Medical Benefit Council in place of Dr. Gyan Prakash;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 3329, dated 19th November, 1981, namely :—

In the said notification, under the heading “(Nominated by the State Government concerned under clause (d) of sub-section (1) of section 10)” for the entry against item 19, the following entry shall be substituted, namely :—

“Dr. A.B.L. Mathur,
Director,
Medical and Health Services,
Government of Rajasthan,
Jaipur.”

[No. U-16012/12/82-HI]
A. K. BHATTARAI, Under Secy.

New Delhi, the 5th May, 1984

S.O. 1722.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the management of Grindlays Bank Ltd., Calcutta and their workmen, which was received by the Central Government on the 28th April, 1984.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 17 of 1979

PARTIES :

Management of Grindlays Bank Ltd., Calcutta.

AND

Their Workman

PRESENT :

Mr. Justice M. P. Singh—Presiding Officer.

APPEARANCES :

On behalf of Employers—Mr. M. V. Srinivasan, Industrial Relation Officer.

On behalf of Workmen—Mr. P. K. Chatterjee, Advocate with Mr. S. Roy, General Secretary of Union.

STATE : West Bengal.

INDUSTRY : Banking

AWARD

By Order No. L-12012/108/780.IIA dated 24 March, 1979, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication.

“Whether the action of the Grindlays Bank Limited, Calcutta in introducing teller system in their branch at 19, Netaji Subhas Road, Calcutta with effect from 1-4-1978 is legal and justified ? If not, to what relief are the workmen entitled ?”

2. From the terms of the reference it is increasingly clear that the dispute is over the introduction of the Teller system in the Grindlays Bank, Calcutta. The Bank decided in February 1978 to introduce the teller system w.e.f. April, 1978. Sri A. Chandra was asked to do the duties of a teller until further instructions by letter dated 13 March 1978 (Ext. W-1). He refused by letter dated 15-3-1978 (Ext. W-2). He was threatened with disciplinary action if he did not carry out the instruction (Ext. W-3 dated 30-3-78). The union took up his case. That is how the dispute developed. The union has raised several objections to the introduction of this system. One of the objections as argued by Sri P. K. Chatterjee, is that it is a new technique and a new system of work which involves elimination of a number of clerical and subordinate staff and is bound to lead to surplusage leading to retrenchment and that it involves drastic change in the nature of work of cashiers and cash clerks who shall be saddled with additional and more onerous duties besides elimination of other staff and their works. Sri Chatterjee submits that the existing system involves the following operations by the following staff in the case of payment of cash cheque:

- (i) delivery of the cheque by the customer to the clerk issuing token.
- (ii) the cheque is taken by a sub-staff to the Ledger Keeper.
- (iii) Ledger Keeper examining the technicalities of the cheque, comparing the balance with the amount drawn and then posting the cheque in the ledger.
- (iv) the passing officer verifies the signature on the cheque with the specimen signature and passing the cheque and then gives it to a sub-staff who carries the cheque so passed to the payment counter.
- (v) Lastly, the payment cashier making payment of the cash to the customer against token.

He has urged that in the teller system it is the teller who has to perform the duty of Ledger Keeper, passing officer, and paying cashier all combined together in one person, that the introduction of the teller system will adversely affect the token clerk, the ledger clerk, the passing officer and the sub-staff by eliminating their work and that it will also affect the existing receiving cashier clerk. Learned counsel has referred to the evidence of W.W.2 Subinoy Roy, the General Secretary of the union who has said in his deposition before this tribunal as below :

"The teller system on being introduced will eliminate, firstly, the issuance of token by the token clerk, secondly, it will eliminate the work of the sub-staff who carries the cheques from the token clerk to the Ledger Keeper and it eliminates the preliminary scrutiny of the cheque required to be done by the Ledger Keeper, fourthly, it will eliminate to a greater extent the verification of signature done by the Head Clerk or Special Assistant and passing, fifthly, it eliminates the work of the sub-staff who carries the cheque from the Ledger Keeper to the paying counter where paying cashier makes payment to the Customer. In short, it eliminates the part work of the sub-staff, and it combines the job of Ledger Keeper with that of paying cashier and it imposes additional duties of passing and verifying the signature by the paying cashier."

The witness has further said that the teller has to perform the duty of ledger keeper, passing officer and paying cashier to the extent of the ledger keeper's job of verifying and scrutiny of the cheques and it combines the verification and passing of cheques done by head-clerk/special assistant. As regards the impact of the teller system on the existing work pattern of the cash department, Sri Subinoy Roy (WW2) says:

"Obviously the impact will be to create surplus in the cash department and it will also create surpluses amongst the Ledger Keepers. On the other hand, it will increase the work-load of the Ordinary cashier who will be required to perform Teller duties which will be an addition involving greater risk and responsibility over and above his routine duties as a paying cashier."

The witness further states :

"In Grindlays Bank the Paying Cashier is not the same as receiving cashier. A Cashier is either a paying cashier or a receiving cashier. In Grindlays Bank the counter from where cash is received is not the counter from where cash payment is made. In Grindlays Bank a customer cannot deposit and withdraw his money in the same counter to the same person. In big branches the counters are marked where cash is to be deposited by the customer and where cash is to be paid to the customers."

In short the above evidence of the witness is that the introduction of the teller system will lead to retrenchment and it will also increase the work-load of the cashier acting as a teller.

3. Before I express any opinion as to the merit of the contention, I would like to mention here as to what is "Teller System". I may refer to the evidence of two witnesses MW-1 M. N. Choudhury and WW-2 Subinoy Roy. The latter has deposed as under :

"Teller system is the instant payment of cash over the counter on production of personal cheques. It differs quite a lot from the ordinary mode of cash cheque payment in the bank. I am aware of the attempt made by the Grindlays bank to introduce Teller system in one or two branches in Calcutta. The Bank management wanted to introduce a new system of paying the cash cheque which is quite different from the then prevailing system of paying the cash. The prevailing system of paying the personal cash cheque begins from issuing of token to the customer, secondly carrying of cheques against

which tokens are issued by the member of subordinate staff to the Ledger Keepers and distribution of those cheques amongst the Ledger Keepers and thereafter Ledger Keeper scrutinise as to the correctness and various technicalities of the cheques like the date of the cheques, words and figures of the cheque, see the balance of the customers' accounts with the amount of cheque drawn; thereafter the signature of the cheques are verified and thereafter it is being posted; next a sub-staff carry the cheques to the paying counter and then only actual payment of the cash to the customers are made. The actual payment to the customers is made by the Paying Cashier. He is a different person designated as Head Clerk or Special Assistant having different authority to pass the cheque who verifies the specimen signature and it is not the Ledger Keeper who verify or pass the cheque."

MW1 Manindra Narayan Choudhury the Chief Manager, Operations for Eastern India has said :

"I know what is meant by a Teller system. The teller system is a system under which cash is paid to a customer without referring the cheque to the ledger i.e. very promptly. This teller system is recognised under the tripartite settlement. The tripartite settlement lays down the duties and allowance of a teller. The tellers which the Bank wants to introduce will get their allowances and performs the duties as per the Bipartite settlement. The tripartite settlement is binding upon both the parties in his dispute. The system will very much improve the customers' service. Now a customer has to wait for anything upto 10 to 15 minutes to cash a cheque whereas under teller system he will get immediately. But the cheques will be upto a particular limit. The system will not affect the staff in any way. The Bank can manage without a token even when the teller system is not there. We have a branch in Bombay where there is neither teller system nor the token system and even in Calcutta we have one branch where we have recently abolished the token system. The proposal of the Bank to introduce teller system will not result in any retrenchment of the staff. It will not adversely affect the service condition of any staff. Prior to 1978 Grindlays Bank Employees Union which is a party to this dispute was affiliated to All India Bank Employees' Association. It is the same AIBEA."

A question was put to the witness in cross-examination as to whether the introduction of the teller system will not involve one clerk who will be teller to conduct all the operations himself. The witness annexed.

"No, Sir, firstly, the teller system is meant only for personal customers and secondly, this verification of signature and posting in the ledger will still take place but not immediately the cheque is presented over the counter. Under teller system the cashier will pay the amount immediately and after sometime send it to ledger for posting and the ledger keeper who is a separate person will post the cheque."

The witness has also said that :

"A teller is required to perform all the operations which are normally to be performed for payment of a bearer cheque in the normal course otherwise than a teller except one operation, namely, he will not be required to compare the amount in the cheque with the amount in the ledger."

In the book of red colour named 'Customer Service in Banks' (Ext. M-1 at page 59, item 3) it is stated :

"Teller system, wherever introduced, should be made available for current as well as savings bank accounts, for payment of self as well as third party cheques upto Rs. 2500. Similarly, cash deposits upto Rs. 2500 for these accounts should be accounted by tellers and receipts issued on the relative counter-foils of the pay-in slips."

Referring to the above passage the witness says :

"According to this book payment can be made to a bearer also under the teller system. Firstly, the teller will have a list of all stop payments and also specimen signatures of customers. The teller has to satisfy himself about the genuineness of the signature of the cheque by comparing the same with the specimen signature kept with the bank. But this could be possible only in smaller branches where do not have many accounts, but in large branches if possible we probably indemnify the teller, as it may not be possible for him to have thousands of signatures of the customers with him."

4. As regards the introduction of the teller system the Talwar Committee Report (Ext. M-1) made recommendations for it. The recommendation is as under :

"25. Teller system should be introduced at all offices of the banks where the work-load warrants, the bias being in favour of introducing this facility at as many offices as possible. The absence of the teller system is one-step service to customers for encashment of cheques, for depositing cash, etc., involving acceptance of calculated business risk within certain limits. Teller system has brought about dramatic reduction in waiting time at counters wherever it has been introduced, leading to high level of customer satisfaction and, indeed, toning up of image of bank service."

This committee had been appointed by the Government of India. Ext. M-2 is a circular dated 11 September, 1975 which mentions the decisions reached in respect of 17 items of the interim report on Customer Service in Banks (known as the Talwar Committee Report) at the meeting of the National Industries Committee on Banking, held in New Delhi on 19th August, 1976 under the auspices of the Ministry of Labour, Government of India, where the representations of INTUC, AITUS, AIBEA, INBEC, All India State Bank of India Staff Federation and All India Confederation of Bank Officers' Organisations representative of IBA represented the Employer banks. The recommendation of the Talwar Committee as to the teller system was accepted at that meeting. It will not be out of place to mention here that the union in question was at that time affiliated to some body which in turn was affiliated to AIBEA (vide WW-1 at page 4, see also Ext. M-3). Item No. 3 of the said circular speaks of teller system to be available for current as well as Savings Bank Accounts—tellers to receive and pay cash upto Rs. 2,500. It further says that it is agreed that the teller may pay upto Rs. 2,000 in respect of both the current as well as Savings Bank Account. The union seems to have dissociated themselves from the AIBEA sometime in 1980 (vide Ext. M-3 dated 5-12-80).

5. I will now enter into the merit of the contention. No doubt introduction of the teller system is a new technique, a new system of work and is an improved technique but in my opinion it does not involve elimination of clerical and subordinate staff and it is not likely to lead to retrenchment as contended by Sri Chatterjee for the union. My attention has been drawn to Ext. M-5 dated 31-3-78 which is a letter of the union to the Regional Labour Commissioner (Central), Calcutta, which states that the system, if introduced will result in employment shrinkage. Ext. M-4 another of the union to the management dated 31-3-78 is to the same effect. But I think, that the opinion of the union is not correct. I would like to rely upon the evidence of MW-1, M. N. Choudhury, the Chief Manager (Operations) for Eastern India who has deposed that the system will not affect the staff in any way and it will not result in any retrenchment of the staff. WW-1 M. K. Basu the President of the union has no doubt said that the effect of the introduction of teller system will be that there will be some excess staff, some people will be redundant, say at least 4 or 5 people and it will come to subordinates also as the man who takes the cheque to persons, he will also become redundant. He, however, admitted in his evidence in cross-examination that if the teller system is introduced only in the case of

cheques upto Rs. 2,000, the existing system and procedure will continue for all amounts above Rs. 2,000. He admitted that in clause 3 of Ext. M-2 there was limit of Rs. 2,000 only. He also admitted in cross-examination that several cheques over Rs. 2,000 are received by the bank every day. WW-2 Sri Subinoy Roy the General Secretary of the union has admitted in his cross-examination at page 6 of his deposition that on the introduction of the teller system only certain part of the duties of token clerk, ledger clerk, head clerk and special assistant, will be done away with and not the entire work. His clear evidence is that only part of their work, not the entire work will be eliminated. If so, where is the question of surplusage leading to retrenchment. As regards the token clerk it was put to the witness that even if the teller system is introduced, their work such as pass-book, writing, issuance of cheque book, maintenance of cheque book issue register and writing ledgers occasionally will continue to exist. Without denying it, the witness said "The job of token clerk as stated here is not same in all branches, secondly issuance of tokens takes at a time from 10 a.m. to 2 p.m. and token clerks are doing various other types of job after the above working hours, that is, from 2 pm. to 5 p.m.". So it is obvious that even the work of token clerks will not be eliminated. WW-1 M. K. Basu at page 4 of his deposition has also said that in the teller system after making the payment the residual accounts work will remain to the extent of debiting each account with the amount in cheques. In my opinion there is nothing material on record to show that the introduction of the teller system will lead to surplusage and ultimately to retrenchment. I am of the opinion that it is not even likely to lead to retrenchment. The above evidence on record clearly shows that there shall be no retrenchment and that the apprehension of the union to that effect has no basis for its support.

6. Even assuring that it may result in retrenchment I think, the union is not right in objecting to the introduction of this system. It is a policy decision to provide better service to the customers and the management has a right to reorganise its business in any manner as it pleases. Sri Chatterjee does not dispute the right of the management to organise and arrange its business and I think rightly. In a *Macropolo & Co. (Private) Ltd. v. D Macropolo & Co. (P) Ltd. Employees' Union and others*, 1958-II LLJ 492 (SC) : AIR 1958 SC 1012, it was held by the Supreme Court that all employers had the right to reorganise their business and if such a reorganisation becomes necessary for reasons of economy or convenience, then the simple fact that it led to discharge of some of the employers will not matter and no inference can be drawn that such discharge was made mala-fide. It was clearly held that if a scheme of reorganization has been adopted by an employer for reasons of economy or convenience and it has been introduced in all the areas of its business, the fact that its implementation would lead to the discharge of some of the employees would have no material bearing on the question as to whether the scheme was adopted by the employer bona-fide or not. In the circumstances, an industrial tribunal considering the issue relating to retrenchment, should not attach any importance to the consequences of reorganization. The resulting discharge and retrenchment would have to be considered as inevitable, though unfortunate, consequence of such a scheme. It is clear that the principle which has been laid down in this case is that it is open to an employer to terminate the services of an employee as a result of bona-fide reorganisation of his business. This principle was accepted by the Calcutta High Court in *Royal Calcutta Golf Club v. Third Industrial Tribunal and others*, 1950-I LLJ 464(Cal) where Justice Sri Sinha observed at page 467 :

"A person has the right to reorganise his business in any fashion he likes, for the purpose of economy or convenience, and no body is entitled to tell him how he should conduct his business. The only limitation is that he should do it bona-fide and not for the purpose of victimization his employees and in order to get rid of their services, which it would otherwise not be permissible. Provided however, that he acts within these limits, it is not for the court or the tribunal to tell him how he should conduct his business".

The principle laid down in the Supreme Court case of *D Macropolla & Co. (supra)* was also accepted in *M/s. Parry & Co v. P C Pal*, 1970—II LLJ 429(SC) where at page 432 Shelat J observed :

"It is well established that it is within the managerial discretion of an employer to organise and arrange his business in the manner he considers best. So long as that is done bona-fide it is not competent to a tribunal to question its propriety. If a scheme for such reorganization results in surplusage of employees no employer is expected to carry the burden of such economic dead-weight and retrenchment has to be accepted as inevitable, however unfortunate it is. The legislature realised this position and therefore provided by S. 25 F compensation to soften the blow of hard-thrown out of employment through no fault of his. It is not the function of the Tribunal, therefore, to go into the question whether such a scheme is profitable or not and whether it should have been adopted by the employer."

In *Hindustan Lever Ltd. v. Ram Mohan Roy* 1973 Lab IC 784(SC) : AIR 1973 SC 1156 : (1973) 3 SCR 624 the Supreme Court upheld the right of the employer to organize and reorganize its work on the manner it pleases.

7. Next Sri Chatterjee argued that a mixed up teller system different from the one as contemplated in the bipartite settlement could not be introduced by the bank without complying with the provisions of section 9A of the Industrial Disputes Act, 1947. He submitted that admittedly no notice as required by the provisions of section 9A of the said Act was given, that the bank can not be allowed to start the working of that system. His contention is that the cashier, will have additional duty of receiving payment from the customer and he will also have to conduct four operations and thus the introduction of the system will increase his workload besides involving him in extremely risky and responsible matters and this increase in the workload will change the conditions of service of the workmen. Admittedly (see MW-2 Subinoy Roy's evidence), wages, hours of work, leave medical benefits, or for that matter any other service condition will not be adversely affected by the introduction of the teller system. But Mr. P. K. Chatterjee submits that work load of the cashier will be increased and thereby service conditions will be changed. He relies on *Northbrook Jute Company v. their workmen*, 1960(I) LLJ 580 : AIR 1960 SC 879, but in my opinion that case does not help him. In that case a lock-out declared to a consequence of the refusal of the workmen to be additional work, which the employer had not right in law to ask them to do by altering the conditions of service in implementation of the rationalisation scheme was held to be unjustified and the workmen were held to be entitled to wages for the period in question. The Supreme Court also pointed out the nature and functions of the works Committee, speaking for the Supreme Court, Das Gupta J said :

"The language used by the legislature makes it clear that the works committee was not intended to supplant or supersede the unions for the purpose of collective bargaining ; they are not authorised to consider real or substantial changes in the condition of service ; their task is only to smooth away frictions that might arise between the workmen and the management in day to day work. By no stretch of imagination can it be said that the duties and functions of the works committee included the decision on such an important matter as the alteration in the conditions of service by rationalisation."

It is clear that facts of that case are different. The 4th schedule of the Industrial Disputes Act was not the subject-matter for consideration in that case, nor was it considered. Section 9A notice has been given in that case. Some observation made in that case, rather goes against the union. It was held in that case that the conditions of service do not stand changed, either when proposal is made or the notice is given but they are affected only when the change is actually made, that is, when the new conditions of service are actually introduced, that the point of time when the employer proposes to change the conditions and the point of time

when the notice is given are equally irrelevant. Admittedly in the present case the teller system has not yet been introduced. No one has yet been appointed as a teller. Only Mr. A. N. Chandra of the cash department has been asked to perform the duties of a teller. This, in my opinion, does not effect any change in the conditions of service of the workmen. In *Maba Krishna Chakraborty v. Calcutta State Transport Corporation Ltd.*, 1979 Lab IC 966 where some conductors of the Calcutta State Transport Corporation who were actually performing the duties of cashiers were asked during the pendency of conciliation proceedings to perform the duties of conductors to which they held substantive appointments, it was held that it could not be said that their conditions of service preceding the conciliation proceedings were affected when they were not appointed as cashiers not any one of them had deposited any security money necessary for the appointment of cashiers. Though the facts of that case are slightly different, the principle laid down therein is helpful to some extent in this case, that is, mere taking some additional work from the employee will not amount to change in their conditions of service. On a simple perusal of the provisions of section 9A, it is increasingly clear that for attracting the provisions of that section there must be a change in the conditions of service and such change must be related only to the conditions of service enumerated in the Fourth Schedule. If the proposed change is outside the ambit of the Fourth Schedule, section 9A will not apply. Increase in the workload is not by itself a condition of service. I do not see what existing condition of service will be changed by the increase in workload. Sri P. K. Chatterjee says that the condition of service is covered by item No. 10. That item runs as follows :

"10. Rationalisation, standardisation, or improvement of plant or technique which is likely to lead to retrenchment of workmen."

It is patently clear that improvement of technique is there lent it is not likely to lead to retrenchment of the workmen in the present case. So item No. 10 does not cover the proposed change. Moreover, as held by the Calcutta High Court in *Guru Das Chatterjee v. State Bank of India*, 1983 (2) LLJ 200 the sinequa non for the applicability of section 9A read with the Fourth Schedule is that there should be change in the service condition in respect of matters specified in the schedule. Mere withdrawal of a privilege will not amount to a change to service conditions until such privilege having been allowed to be enjoyed by the employees over a long stretch of time, as a matter of custom or usage, has in effect become an accepted condition of service. In the present case, I think, the union has not been able to establish as to what condition of service as enumerated in the Fourth Schedule has been changed. I may point out that is not a case of installation of any new machine which will totally eliminate hard-work and will lead to retrenchment of workmen. It is simply a case of asking the cashier or some one else to do some more additional work of skill and responsibility for which special allowance is payable under the bipartite settlement. For the above reasons I hold that section 9A does not apply and no notice was necessary to be given.

8. Sri Chatterjee contended that the teller system which the Bank wants to introduce is different from the teller system as mentioned in the bipartite settlement dated 19 December 1966. It is urged that as provided in Part I of Appendix-B, item (vi) of the bipartite settlement the duty of a teller is only "Passing and cash payment of cheques upto and including Rs. 1,000" but in the instant case the bank wants that the teller will be required both to receive cash and to make payment. Regarding this matter Mr. M. N. Chowdhury (MW-1) has said : "In 1978 we decided that only payment will be made but based on experience we have extended it for receiving cash also depending on volume of work". A specific question was put to him whether in the instant case the teller will be required to receive cash payment from the customer. MW-1 replied, "No.". He further said that the teller would be asked to receive cash payment if the volume of cheques for payment were so little that he could have done both jobs efficiently. Sri Chatterjee drew the attention of the witness to Ext. W-1 a letter dated 13th March 1978 for the purpose of showing that this letter does not say that the doing of both the jobs will depend on the volume of work and that through this letter Mr. Chandra (since retired) was asked both to make payment upto

Rs. 1,000 as set out in item (vi) of Part I of Appendix B of the bipartite settlement : and also to receive cheques and cash for which he shall get special allowances as provided in the bipartite settlement. MW-1 replied that no cashier can say that he will only receive cash and not make payment, that if a paying cashier does not have enough work he will be asked to receive payment also from the same counter as a normal duty. He further said that under the bipartite settlement a special allowance is paid to a clerk for doing special duties but he is also required to do his normal duties, that is, special allowance would be for doing duties over and above his normal duties, that a teller will be paid a special allowance for additional responsibility. Sri Chatterjee has also placed the evidence of Subinoy Roy (MW-2) who has deposed that the teller provided in the tripartite settlement is different from the teller that the Bank wanted to introduce. In my opinion this aspect of the case is not covered by the terms of the reference. The issue relates only to the legality and justifiability of the action of the management in introducing teller system in their branch at Calcutta. At this place I may point out that the issue in the reference is not very accurate. Both parties have made it clear to me that the teller system has not yet been introduced and that the Bank has only decided to introduce it. The dispute arose because Mr. A. N. Chandra was asked to do that job as interim measure (Ext. W-1 dated 13-3-78 and W-3 dated 30-3-78 and when A. N. Chandra refused to do this job (vide Ext. W-2 dated 15-3-1978)). I will, therefore, read the reference in that sense and not in the sense that it has actually been introduced. This tribunal can not travel beyond reference. I do not think that it is an incidental matter. The argument of Sri Chatterjee involves a question as to what type of teller system should be introduced in a bank as also whether there is going to be contravention of the provisions of the bipartite settlement dated 19 October 1966. The system has not yet been introduced. In the circumstances I am not inclined to decide the matter, namely, whether the teller system which the Bank wants to introduce is different from that as contemplated in the tripartite settlement.

9. Another contention of Sri Chatterjee for the union is that the employee concerned has option to accept or refuse the special duty and the special allowance when he is asked to perform that job. He has placed evidence on record, documentary and oral in order to show that for the first time the Bank has taken the stand that it can compel an employee to act as a teller by offering special allowance as per provisions of the bipartite settlement. All the relevant provisions of the bipartite settlement have been placed before me. I think it is not necessary to discuss the evidence or to deal with the marathon argument of Sri Chatterjee on this point. In view of the terms of the reference this tribunal is not concerned with the right of the employee to accept or refuse the additional duty of skill and responsibility or the special allowance nor with the right of the management claiming to compel them to do the special job by offering special allowance or its obligation to give them the option to accept or refuse. The issue in the reference does not relate to that. It is not an incidental matter. They are independent questions which will require decision when occasion arises for the same. This tribunal cannot go beyond the terms of the reference. So this point also is not decided.

10. To sum up my concluded award is that the action of Grindlays Bank Ltd., Calcutta in introducing teller system in their branch at 19, Netaji Subhas Road, Calcutta w.e.f. 1st April 1978 is legal and justified. It follows that the concerned workmen are not entitled to any relief.

Dated Calcutta.

16th April, 1984.

M. P. SINGH, Presiding Officer

[No. L-12012/108/78]D.II A[D.IV.A.]

190 GI/84-4

New Delhi, the 7th May, 1984

S.O. 1723.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the Benaras State Bank Limited, Varanasi and their workmen, which was received by the Central Government on the 30th April, 1984

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. No. 122/81

In the matter of dispute between :

Pradeep Kumar Mishra

Versus

The Benaras State Bank Ltd., Head Office, Varanasi.

APPEARANCES :

Shri U. J. Mehta—for Management.

Shri P. C. Jain—for the workman.

AWARD

The Central Government, Ministry of Labour vide Order No. L-12012(17)/81-D.II(A) dated 21st August, 1981 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of the Benaras State Bank Limited, Varanasi in denying continuity of service of Shri Pradeep Kumar Mishra, Clerk-cum-Godown Keeper at the Farukhabad Branch of the bank and not treating him on probation with effect from the 1st May, 1970 is legal and justified? If not, to what relief is the said workman entitled?"

2. Mr. Pradeep Kumar Mishra was a panelled candidate for appointment in Benaras State Bank in the panel dated 22-4-70. His panel number was 44. His turn did not come for regular appointment but the Benaras State Bank needed services of a clerk to prepare pass-books upto date and complete the pending work of summations and change of Savings Bank account ledgers into loose-leaf ledgers. They appointed him from 1-5-70 to 30-9-70 temporarily. The temporary appointment was extended by orders till 7th November, 1970.

3. Vide letter dated 12th October, 1970 he was appointed as permanent Clerk-cum-Godown Keeper at Gyanpur Office of the Bank w.e.f. 16-11-70 on probation upto 31-5-71.

4. The workman has claimed that this was an unfair labour practice and that there was a permanent vacancy at Gyanpur Branch of the bank and he should be treated as on probation from 1-5-70 for a period of six months and not on probation from 16-11-70. This is said to be the mandate of para 20.8 of the 1st Bi-Parite Settlements.

5. The Management contested the claim and asserted that he was appointed on probation only w.e.f. 16-11-70 and that the previous appointment was a wholly temporary one and not in accordance with his position in the panel. There was said to be no permanent vacancy at Gyanpur Branch on 1-5-70.

6. The matter referred to has been examined and the documents filed by the parties have been taken on record. The arguments of the representatives of the parties have been heard. Para 20.8 of Bi-parite settlement is in the following terms :—

"A temporary workmen may also be appointed to fill a permanent vacancy provided that such temporary

appointment shall not exceed a period of three months during which the bank shall make arrangements for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period".

7. The letter issued by the Management on 30-9-70 in respect of P. K. Mishra requiring his Confidential Report on his work for the purpose to examine whether he should be given permanent appointment is explained by the Management to be a circular letter for all branches and not one for making him a permanent appointee even though the reply from the Gyanpur Branch Manager in W.5 recommended his permanent appointment w.e.f. 1-11-70. The letter dated 15-10-70 is in these terms—

"Copy

(Seal-Gyanpur Branch 15-10-70)

No.5181
Head Office,

Reg.: Shri Pradeep Kumar Mishra

With reference to your letter No.252/Temp/9323 dated 30-9-70 regarding the progress of the above employee, we have to inform you that he is taking keen interest in the office work. He knows all types of work of this branch and performs full duty of a clerk and Godown Keeper.

We have taken the work of despatch, Godown, Drafts, L.C.O., B.P., I. D. B.C. ODBC. He has also changed 13 ledgers of Saving Bank.

We are now taking him the work of Saving Bank, R/D. C.A and Misc. posting work.

He has fared the work of the branch satisfactory. His dealing with the party is good.

We, therefore, request you that he may be given permanent appointment w.e.f. 1-11-1970.

(Sd/- A. K. AGARWAL)

8. The Management did not given him appointment in terms of this recommendation W.5 dated 15-10-70 and his services in fact stood permanent w.e.f. 7-11-70 and he was given a fresh appointment on probation only by letter dated 12-10-70.

9. It may be mentioned that para 20.8 quoted above relates to a temporary person being appointed for a period not exceeding three months and arrangement being made for filling up the vacancy permanently within that period. That is not the case here.

10. In case, the workman was still working when permanent appointment could be given to him eventually, it might have been possible to grant benefit of temporary service followed by confirmation but in this case the temporary service came to an end and the workman got permanent appointment in accordance with his seniority in the panel. It will be unfair to other workman senior to him to give him march over them by giving him higher seniority than he is entitled to on account of his position in the panel. The break in his service is an important factor militating against the plea taken by him and I am of the clear opinion that the workman is not entitled to the benefit of para 20.8 of the Bi-partite settlement quoted above. In any case there seems to be no good reason to give him higher seniority by antedating his probation period as claimed by him the action of the Management is legal and justified. The workman is not entitled to any relief.

Further ordered that the requisite number of copies of this Award be forwarded to the Central Government for necessary action at their end.

O. P. SINGLA, Presiding Officer.

April 27, 1984.

[No. L-12012/17/81-DIV(AM) IV(A)]

S. S. PRASHER, Desk Officer.

New Delhi, the 7th May, 1984

S.O. 1724.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Gopalchuck Colliery in Bhagband Area of Messrs. Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 30th April, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 103 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Gopalchuck Colliery in Bhagband Area of Messrs. Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—Shri Lalit Burman, Vice President, United Coal Workers' Union, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 24th April, 1984

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012 (96)/82-D.III(A), dated, the 14th September, 1982.

SCHEDULE

"Whether the action of the management of Gopalchuck Colliery in Bhagband Area of Messrs. Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad in superannuating Shri Amrit Bhuia Trammer from service with effect from the 21st November 1980 is justified? If not, to what relief is the workman concerned entitled?"

The case of the management is that the concerned workman Shri Amrit Bhuian was working as a Trammer in Gopalchuck Colliery of Messrs. Bharat Coking Coal Ltd. The age of superannuation of the employees of the management is 60 years. The concerned workman reached the age of superannuation and as such he was superannuated with effect from 21-11-80. The Colliery of the management maintains Form B Register which contains the particulars of the workmen. The details regarding the age of the concerned workmen were entered in it and his date of birth was shown as 22-11-1920. The relevant entries were accepted by the workman by affixing his L. T. I. After the nationalisation of the colliery the management issued identity cards to its employees and at that time an Identity card register was prepared. In the said register also the date of birth of concerned workman was mentioned as 22-11-1920. The concerned workman was working in the colliery since 1963 and he never raised any dispute about his age during the period of his employment. The concerned workman did not produce any proof of his age or date of birth contrary to the entry made in the Form B Register. There was an omission on the part of the clerk of the management in not mentioning the date of birth in the identity card issued to the concerned workman. When it came to the notice of the management, the workman was asked to produce his identity card for entering the date of birth but he did not comply. The identity card is issued just for the purpose of the identification

of the workers and omission of the mention of the date of birth cannot indicate that the date of birth of the concerned workman was not entered in the Form B Register. As the date of birth of the concerned workman was 22-11-20, the management was justified in superannuating the concerned workman from service w.e.f. 21-11-1980 and as such he was not entitled to any relief.

The case of the management, further, is that the concerned workman Shri Amrit Bhuia has already expired after the reference and as such the reference has now abated and it is not maintainable.

The case of the workman is that Shri Amrit Bhuia, the concerned workman was working in Gopalchuck Colliery as a permanent workman as a Trammer from before the take over of the Colliery. He was aged only 50 years in the year 1980 and was competent to carry on his duties of the Trammer. The management of Gopalchuck Colliery served a notice dated 20-8-80 proposing the termination of his services w.e.f. 21-11-80 on the ground that he would attain the age of 60 years on the said date. The concerned workman submitted an application dated 28-8-80 to the Colliery Manager stating that his age was 50 years only and requested that he might be referred to the Medical Board for assessment of his correct age. The management refused to consider the said representation of the concerned workman and terminated his services w.e.f. 21-11-80 without any further intimation. The union raised an industrial dispute before the ALC (C), Dhanbad but the conciliation failed and thereafter the present reference was made. The concerned workman was never asked about the age or date of birth. There was no mention of his age or date of birth, in the Statutory Form B Register as is evident from the fact that the management did not mention the date of birth of the workman in the appropriate column of the identity card issued to him in the year 1973 when identity card and identity card register were introduced by the management of M/s. Bharat Coking Coal Ltd. The concerned workman was never examined by any Medical Officer for proper assessment of his age. The statement of the management that the workman had declared his date of birth as 22-11-1980 is wrong and manipulated. The management terminated the services of the concerned workman 10 years before the age of superannuation on the basis of wrong and manipulated records and refused to refer the workman to a Medical Board for termination of his correct age. The management did so with a mala fide intention which was wrong and unjustified. It was prayed that the concerned workman is entitled to get the relief with reinstatement and back wages as he is entitled to get under prevalent service condition and the National Coal Wage Agreement-II.

Two points arise for determination in this reference. Firstly whether the management was justified in superannuating Shri Amrit Bhuia from service with effect from 21-11-80 and the second point is whether the reference can proceed after the expiry of the concerned workman during the pendency of the reference.

I would like to discuss first as to whether the reference can proceed after the expiry of the concerned workman. Admittedly the concerned workman was superannuated w.e.f. 21-11-80. It is admitted by WW-1 that the concerned workman expired. He has not stated about the date of death of the concerned workman but it has been stated orally on behalf of the concerned workman that he died on 15-9-1982. It is the admitted case of the party that the concerned workman died during the pendency of the reference and in that view of the matter the exact date of death of the concerned workman is not of much importance for decision of point in issue. The learned Advocate appearing on behalf of the management has referred to a decision reported in 1983 II LLJ-P-88 and AIR-1968 Patna—legal representatives of the deceased workman when a reference is pending adjudication. Patna High Court dealt with a case of reference made regarding the pay and emoluments of three Chief Sub-Editors, one of whom died pending adjudication. The Tribunal held that it had no jurisdiction to adjudicate upon the claim put forth on behalf of the deceased person. The Bihar working Journalists union contended that the order of Tribunal was erroneous as the union was the real contesting party that the Tribunal cannot refuse to give its award on the merit of the Industrial Disputes and that the Tribunal

should have further proceeded with the adjudication of the dispute after bringing on record the legal representative. The Hon'ble Patna High Court dealing with the question of the survival of the dispute on the death of a workman held that that would depend upon the nature and character of the dispute and that there was no erroneous assumption on the part of the Tribunal that the dispute raised and referred was entirely a personal dispute as the successor in Office of the deceased workman were no less interested in the adjudication of that dispute. The Bench expressed the view that the union can really have no concern over the monetary claim of the heirs or the legal representatives of the deceased workmen as they can always pursue their remedies in the Court of law and that Section 18 (3)(c) and (d) of I. D. Act make it clear that there was no intention whatever to provide for the adjudication of an industrial dispute at the instance of the heir or the legal representatives. The circumstance that there can not be any reinstatement, if the workman dies, was also ruled upon to hold that the proceeding would terminate. In my view, having regard to the statutory framework within which the adjudication of an industrial dispute referred to the Tribunal has to be done, there is no scope on the facts of this case to contend that the dispute would survive. In the above view of the matter the Act and the rules do not permit the legal representative or the heirs of the deceased workman or the union to further prosecute proceedings in the Reference and as such I hold that the dispute would not survive after the death of the concerned workman and the reference can be disposed of on this score alone.

Now I will discuss on the facts of the case whether the management was justified in superannuating the concerned workman from service w.e.f. 21-11-80. The management has examined one witness Shri A. K. Jha., Senior P. O's clerk of the management at Gopalchuck Colliery. He has proved Ext. M-1 which is the relevant entry in the register in Form B. The date of birth according to the entries in Ext. M-1 in respect of the concerned workman is noted as 22-11-1920. It contains the LTI of the concerned workman in Col. 12 of Ext. M-1 and it is submitted on behalf of the management that the entries against his name were explained over to him and in token of his correctness the concerned workman put his LTI. MW-1 has denied that the entries regarding the date of birth of the concerned workman in Ext. M-1 was made after his LTI was obtained against the entries. MW-1 has stated that the entries in Column No. 4 of Ext. M-1 which is the column meant for recording the age was filled up on the information supplied by the concerned workman. In his cross-examination MW-1 has stated that the Bonus Register from which some entries were made in the Form B Register was not available now. He has further stated that the statement under the C. M. P. F. scheme are presently maintained but the old statement under C. M. P. F. scheme was not available. He has stated that C. M. P. F. Register is maintained in the office in which there were entries relating to the names, father's name, P. F. No. of the contributor but the said document did not contain entries regarding the date of birth of the concerned workman and as such the said register of C. M. P. F. maintained in the Office of the management is of no help for the determination of the age of the concerned workman. MW-1 has stated that the Form B Register was prepared in the year 1971 and the entries in the identity card was based on the entries made in Form B Register. Admittedly, there is no entry of the date of birth in the identity card Ext. W-1 issued to the concerned workman. He has stated that although Shri Amrit Bhuia was illiterate, he had given approximate age and the date of birth was calculated on the day he had stated about his age. The concerned workman was a member of C. M. P. F. and a declaration in Form A was a statutory and the declaration had to be made at the time when a workman applies for P. F. contribution. MW-1 has stated that the declaration in Form A is not maintained in the Office of the management. The workman could have called for the said Form A from the C. M. P. F. in proof of the age being asserted by him but the said declaration in Form A has not been called for. Admittedly no medical examination of the concerned workman was held by the management although the concerned workman had sent an application dated 29-8-80 to the management for his examination by the Medical Board for the assessment of age. Ext. W-2 is the copy of the application dated 29-8-80 which shows that the concerned workman had asserted that he was aged 50 years and that he be sent for assessment of his age by Medical Board. In para-9 of the

it is stated that there is no question of getting the workman examined by a medical officer or by a medical board for the assessment of his age as the data regarding his age was already available in the management's record. In para-11 it was further asserted that the workman concerned was correctly and properly superannuated after he attained the age of 60 years. The entries in Ext. M-1 regarding the age of the concerned workman is challenged on the ground that had there been any entry of age in B Form Register the management must have also entered the date of birth in the identity card Ext. W-1, issued to the concerned workman. It is true that the identity card Ext. M-1 does not find entry of the date of birth of the concerned workman in the appropriate column. It will also appear that many other columns in the identity card are left to be filled. It is stated on behalf of the management that the identity card is issued only for the purpose for the identity of the concerned workman and that other particulars mentioned in the identity card are not necessary to be filled up. The date of employment of the concerned workman entered in the B Form Register is not denied but even the said date of appointment of the concerned workman is not mentioned in the appropriate column in the identity card. It appears, therefore, that all the relevant columns of the identity card are not filled up although those particulars are present in the Register B Form. In the above view of the matter, I hold that the entries regarding the date of birth in Ext. M-1 cannot be said to be false or manipulated only on the ground that there is no entry of date of birth in the identity card Ext. W-1 in accordance with the entry in Ext. M-1.

No documentary evidence has been adduced on behalf of the concerned workman to show as to what was his exact age or date of birth. Even WW-1 who was examined on behalf of the concerned workman did not state as to what was the age or date of birth of the concerned workman. The concerned workman had asserted in Ext. W-2 that his age was 50 years only but there is absolutely no material adduced on behalf of the workman to show that he was aged 50 years only at the time of superannuation. Thus it will appear that from the side of the management there is evidence to show that the concerned workman was born on 22-11-1920 vide Ext. M-1 whereas there is no evidence adduced on behalf of the concerned workman to show as to what was the age of the concerned workman at the time of his superannuation or that as to what was the date of his birth, WW-1 has stated that he had looked into the register B Form and had found that there is no entry of date of birth against the name of Amrit Bhuia. In my opinion this evidence of WW-1 cannot be believed as there was no occasion for him to inspect the said register nor there is any material to show that WW-1 had seen the entries in the Register B Form regarding the date of birth or the age of the concerned workman. Moreover, there was no reason for the management to make an incorrect entry of the date of birth of the concerned workman in the Register B Form and as the entries in Register B Form were made in due course there does not appear to be any reason to disbelieve or discard it.

In view of the facts and circumstances of the case I hold that the management was justified in superannuating Shri Amrit Bhuia from service w.e.f. 21-11-80 and as such he was entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012/96/82-D. III (A)]

New Delhi, the 7th May, 1984

S.O. 1725.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Lodna Colliery of Messrs Bharat Coking Coal Ltd., Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 3rd May, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.
PRESENT

Shri I. N. Sinha, Presiding Officer.

Reference No. 37 of 1975 (old)

Reference No. 52 of 1983 (new)

In the matter of an industrial dispute under Section 10 (1) (d) of the Industrial Disputes Act, 1947.

PARTIES

Employers in relation to the management of Lodna Colliery of M/s. Bharat Coking Coal Limited, P. O. Jharia, District Dhanbad

AND

Their workman

APPEARANCES:

On behalf of the Employers Shri B. Joshi, Advocate.

On behalf of the workmen Shri J. P. Singh, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, the 28th April, 1984

AWARD

This Reference has been received on remand for fresh decision after an order passed in Civil Writ Jurisdiction Case No. 313 of 1976 (R) by a Division Bench of the Hon'ble Patna High Court after setting aside the Award dated 2-9-1976.

The concerned workman Shri N. C. Dutta was appointed as a Sanitary Sirdar in Lodna Colliery in the year 1944. Thereafter he was promoted and designated as Lethane Supervisor. One Shri B. B. Deo was working as Sanitary Inspector who retired in 1961 and thereafter the concerned workman was entrusted with the job of Sanitary Supervisor-cum-Inspector and he is performing the duties of Sanitary Inspector since then. The concerned workman functioned as Sanitary Inspector-cum-Supervisor and did work of vaccination, inoculation work distribution to the staff of the Sanitary department, supervised and inspected the sanitary works, submitted inspection reports to the Manager and the Doctor of the Colliery concerned, maintained the store, made correspondence with the Jharia Mines Board of Health concerning sanitation matter etc. but even then he continued to be designated as Lethane Supervisor. The concerned workman being dissatisfied with the designation, grade and scale of pay made representation before the erstwhile management for his proper designation, gradation and pay as Sanitary Inspector but the matter was not finally decided. The concerned workman continued correspondence with the erstwhile management up to the time of nationalisation of the coking coal mines including Lodna Colliery which came under the ownership of M/s. Bharat Coking Coal Ltd. The authorities of M/s. Bharat Coking Coal Ltd., after the takeover, made a re-categorisation and changed the designation of the concerned workman from Lethane Supervisor to Sanitary Chaprasi although the concerned workman was performing the duties of a Sanitary Inspector. The concerned workman made several representations to the authorities in respect of his proper categorisation and fixation of pay but with no result. There is no post of Sanitary Chaprasi or Sanitary Peon under the Coal Wage Board Recommendations. When the representations of the concerned workman did not yield any result, the dispute was referred to the ALC (C), Dhanbad by the Colliery Staff Association, a registered union of which he is a member. The conciliation failed before the ALC (C), Dhanbad. The concerned workman claims that he deserves designation of a Sanitary Inspector and scale of wages as per Wage Board Recommendation and a prayer has been made that the management be directed to place the concerned workman in the pay scale of Sanitary Inspector after designating him as Sanitary Inspector.

On failure of the conciliation proceedings the dispute was referred to this Tribunal for adjudication under section 10 (1) (d) of the I. D. Act., 1947 in the following terms vide Ministry's Order No. L-20012/91/74-LRII/DIIA dated 5-4-75.

"Having regard to the nature of duties performed by Shri Naresh Chandra Dutta, an employee of the Lodna Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, all along, whether the action of the management in designating the said employee as 'Sanitary Peon' and allowing him the scale of pay of Rs. 140-3-178, is justified? If not, to what relief is the said employee entitled and from what date?"

The case of the management is that the concerned workman was an old employee of Lodna Colliery. At the time of takeover of the management the concerned workman was shown designated as Lethane Supervisor. He used to get the salary of Category II scale of the Wage Board Recommendations. The concerned workman was doing the work of Oil Spray Mazdoor for anti-malaria operations before the takeover and was also guiding the work of a group of oil spray mazdoors under the directions of the Superior officer of the Medical/Welfare department and as he was doing the additional duties, he was granted higher rate of wages than the Oil spray mazdoors. The designation of the concerned workman was found misleading and incorrect at the time of re-categorisation of designation and accordingly the management revised his designation from Lethane Supervisor to Sanitary Chaprasi keeping in view the duties which were being performed by him. The management has denied that the concerned workman was ever performing the duties of Sanitary Inspector. The concerned workman was getting a basic monthly salary of Rs. 164/- at the time of nationalisation of the colliery and the said salary cannot be considered to be low in view of the nature of job being performed by him. The concerned workman had no academic and professional qualifications required for holding a Supervisory post and he was never entrusted with the duties of Sanitary Supervisor/Inspector.

The reference was heard and an Award was passed on 2nd September, 1976 holding that the action of the management having regard to the nature of duties performed by Shri Naresh Chandra Dutta, an employee of the Lodna Colliery of Messrs Bharat Coking Coal Limited, all along, in designating the said employee as 'Sanitary Peon' and allowing him the scale of pay Rs. 140-3-178, was justified and that he was entitled to no relief. The concerned workman went in Civil Writ Jurisdiction Case No. 313 of 1976 (R) under Article 226 and 227 of the Constitution of India. The Writ matter was heard by a Division Bench and an order was passed on 8-2-82 allowing the Writ Petition and setting aside the Award and the case was remanded for a fresh decision. Their Lordships after hearing the contentions raised on behalf of the concerned workman and considering the statements made in para-4 and 5 of the Written Statement of the management observed that the petitioner was shown on record as Lethane Supervisor on the date of taking over of the management in 1971 and that the petitioner besides doing the work of Oil Spray Mazdoor for anti-Malaria operations was also guiding the work of a group of Oil spray mazdoors and that this part of his function did not reflect the duty of a Peon or a Chaprasi. Their Lordships further observed that since the points involved in the case are dependent on evidence led before the Tribunal, it was not possible for their Lordships to give any categorical findings and that the question of fixing the pay scale had to be answered by a reference to wage structure and that these matters can be properly disposed of only by the Tribunal. On the above observations the matter was remitted back to this Tribunal for re-consideration of the points and decisions of the question in accordance with law. The terms of reference given in the schedule is whether having regard to the nature of duties performed by Shri Naresh Chandra Dutta, the action of the management in designating the said employee as Sanitary Peon and allowing him the scale of Pay of Rs. 140-3-178 is justified? It will thus appear that although the concerned workman claims the designation and pay scale of Sanitary Inspector, the reference is not as claimed by the concerned workman. Admittedly, the concerned work-

man has been designated as Sanitary Peon and has been allowed the pay scale of Rs. 140-3-178 which is the pay scale of Category II. It is admitted by the management in para-4 of their Written Statement that at the time of take over of the management on 17-10-71 the designation of the concerned workman was shown on record as Lethane Supervisor and that he used to get his salary from the monthly pay sheet at the rate of wages equivalent of Category II scale of the Coal Wage Board Recommendations meant for daily rated workers. It is further stated in para-5 of the Written Statement of the management that on enquiry it was found that at that time the concerned workman was doing the work of Oil Spray Mazdoor for anti-Malaria operations and was also guiding the work of a group of Oil Spray Mazdoors under the direction of the Superior Officer of the Medical/Welfare Department and as such the concerned workman was granted a higher rate of wages than the Oil Spray Mazdoor. It is abundantly clear from the admitted case of the management that the concerned workman was doing the work of Lethane Supervisor prior to the takeover which certainly was not the job of a Peon or Chaprasi. The concerned workman was doing some type of supervisory work as is quite evident from the statement in para-5 of the written statement of the management. The question, therefore, is as to what should be the designation and pay scale of the concerned workman having regard to the nature of duties performed by him.

MW-1 who is a Welfare Officer, has stated that when he joined as a Welfare Officer, the concerned workman was working as Sweeper Sirdar and he was designated as Lethane Supervisor. He has stated that each of the Sweeper Sirdar was given two to three Sweepers with certain areas for the performance of duty. It will thus, appear that the concerned workman was doing some type of supervisory work. MW-1 has further stated that after nationalisation in May, 1972, the concerned workman was categorised along with other Sweeper Sirdar in Grade-H and designated as Sanitary Chaprasi in the pay scale of Rs. 140-3-178. In his cross-examination he has stated that he personally did not verify the duties performed by the concerned workman and others like him and that there was no Sanitary Inspector in between the period 1961 to 1974. He has denied that the concerned workman was looking after the work of the Sanitary department as Sanitary Inspector. In his further examination he has stated that a Sweeper Sirdar was supervising the work of the Sweeper working in the Colliery. The Welfare Officer used to supervise the work of Sweeper Sirdar and that there was no Sanitary Inspector or Sanitary Supervisor.

WW-1 Shri Naresh Chandra Dutta is the concerned workman. He has stated that he was appointed as Sanitary Sirdar and thereafter he was promoted and designated as Lethane Supervisor upto 1961. He has further stated that Shri B. B. Deo, Sanitary Inspector of the Colliery retired in 1961 and in his absence the concerned workman performed the duties of Sanitary Inspector as no other Sanitary Inspector was appointed. He has, further, stated that he used to supervise and inspect the sanitary work, used to maintain stores, used to send the inspection reports to the manager as well as the Doctor of the Colliery, he used to maintain the attendance of the staff of the Sanitary department and used to do the correspondence with the Jharia Mines Board of Health. He has further stated that he never worked as Peon or Chaprasi in the entire career of his service. He has stated that in May, 1972 Bharat Coking Coal Ltd. has changed his designation from Lethane Supervisor to Sanitary Peon when re-categorisation was made by Bharat Coking Coal Ltd. He has, further, stated that there is no post of Sanitary Chaprasi in the Wage Board Recommendations and the change of his designation has been arbitrarily made. In his cross-examination he has stated that a Lethane Supervisor means Malaria Supervisor. He has stated about the duties of the Lethane Supervisor. He has stated that under his supervision as Lethane Supervisor, the oil was prepared and spraying has been done. He has stated that anti malaria operations has been stopped since many years but his designation of Lethane Supervisor remained unchanged. He has stated in his cross-examination that he has no papers with him to show that he used to distribute the work of the persons in the Sanitary department and that he has no report with him to show that he used to supervise the work. He has stated that he has not filed

any paper to show that he made correspondence with Jharia Mines Board of Health. Although the concerned workman has stated about the works being performed by him in his Written statement in detail but he has not been able to produce any materials before this Tribunal in proof of the fact that he was performing those jobs as Sanitary Inspector. He has, no doubt, taken an analogy about the scale of pay of Sanitary Inspector of the Jharia Mines Board of Health where there is one Sanitary Inspector and Asstt. Sanitary Inspector. He has himself stated about the qualifications of Sanitary Inspector of Mines Board of Health and has stated that he must be a matriculate, having underground training and having passed the Sanitary Inspectorship examination. It will appear from his evidence that he is under matric and has received no training about the Sanitary Inspectorship from any institution. He has not claimed that he has any underground training. Thus, from his very evidence it appears that he does not possess the qualifications for being designated as Sanitary Inspector. Thus the analogy of Jharia Mines Board of Health is not at all applicable in his case.

The concerned workman has stated that he performs the functions of a Sanitary Inspector but it will appear, as discussed above, he has not been able to establish that he was performing the duties and functions of a Sanitary Inspector. It will appear in the attendance register that the concerned workman was designated as S/Sirdar till the end of 1967. The concerned workman has stated in his evidence that S/Sirdar stands for Sanitary Sirdars but according to the management S/Sirdar stands for Sweeper Sirdar. Thus, this would indicate that either he was a Sweeper Sirdar or a Sanitary Sirdar and in any case it would not show that he was either a Sanitary Inspector or a Sanitary Supervisor. In Ext. M-4 he was described as Sanitary Chaprasi. The workman has exhibited a certificate from a Medical Officer of Bharat Coking Coal Ltd's dispensary dated 22-12-73 where the concerned workman has been described as S/Supervisor. It has been tried to be shown that the said Medical Certificate shows that he was a Sanitary Supervisor. The said Ext. W-1 is not a document of the management and the description in the said certificate must have been noted down by the Doctor as stated by the workman and as such this medical certificate cannot be used to establish that the concerned workman was a Sanitary Supervisor. Moreover, the concerned workman has himself stated that he was never designated as Sanitary Inspector or Sanitary Supervisor and as such his designation in the Medical certificate as S/Supervisor cannot establish the fact as being asserted by him. Ext. M-3 are vouchers which have been produced to falsify the case of the workman that he used to issue the stores requisition. Ext. M-3 series admittedly, do not contain the signature of the concerned workman. From all the above evidence, it will appear that the concerned workman was neither doing the work of Sanitary Inspector nor Sanitary Supervisor.

In the report of the Coal Wage Board Recommendation Vol. II at page-54, a Sanitary Inspector has been categorised as Clerical Staff Grade II. There is one post of Dhowra Supervisor in Clerical Staff Grade III. Besides that there is no grading of the Sanitary Staff in the Clerical Grade. A Dhowra Supervisor is in charge of cleaning the Dhowra and has to look after the white washing and maintenance. Thus the concerned workman was not performing the duties of a Dhowra Supervisor. I have already discussed above that the concerned workman has not been able to show that he was doing the job of Sanitary Inspector. An anti malaria mazdoor has been shown as Category I (unskilled) at page-42 Vol. II of the Coal Wage Board recommendations. The job description of anti-malaria mazdoor has been stated in Sl. No 31, at Page-42 and states that a general mazdoor employed to go round with anti-malaria squad for spraying tanks and drains, ditches etc. and for removing vegetation etc. is or anti-malaria mazdoor. Admittedly, the job of the concerned workman was superior to that of anti-malaria mazdoor as the concerned workman was admittedly supervising their work.

In Vol. 1 at page 172 of the Coal Wage Board Recommendations states the designation, grade and basic scale of pay of Medical department. It will appear that dressers, ward boys, vaccinators were designated as dressers, ward boys and vaccinators and were given Grade-H and the basic scale of pay Rs. 140-3-170-4-178. It appears, therefore, that the concerned workman has been given this scale of pay which

is equivalent to category II of Coal Wage Board recommendation. It is apparent that the job being performed by the concerned workman was not of Sanitary Chaprasi and that he was admittedly doing the job of supervision of the Sanitary Sweeper and was also doing some technical job in the sense that the oil was prepared under his supervision and that spraying was also done under his supervision. In view of the fact that the concerned workman was doing some supervisory job of sanitation, I am of the opinion that he deserves the pay scale of Category-III in which category a Dhowra, The Coal Wage Board Supervisor has been placed. The Coal Wage Board Recommendation has not given the grade and scale of pay of Sanitary department. The Coal Wage Board Recommendations at page-82 Vol. I has stated that they have not recommended specific scales of pay for the employees in many department and they recommend that their scales of pay should be suitably revised and appropriately fixed in consultation with the representative of the workmen, taking into account their existing scales of pay, their skill, experience responsibilities and other relevant factors. In view of the above, it is clear that the Coal Wage Board Recommendations have not stated about the categorisation and scale of pay in respect of the work being performed by the concerned workman. The concerned workman is in service for a very long time and it appears that he is getting the wages of Category-II. Considering the long years of his service and experience, I think the grant of pay scale of Category III to the concerned workman will not be unjustified.

The next question is about the period since when the concerned workman should get the pay scale of Category III. It appears that the designation and pay scale of the concerned workman was fixed by Bharat Coking Coal Ltd. after nationalisation in May, 1972 in Grade-H and he was designated as Sanitary Chaprasi in the scale of Rs. 140-3-170-4-178 (Vide evidence of MW1). In my view the concerned workman should get Category III wages since May, 1972 when he was categorised in Grade-H and designated as Sanitary Chaprasi in the scale of Rs. 140-3-170-4-178.

In view of the facts, evidence and circumstances discussed above I hold that having regard to the nature of duties performed by Shri Naresh Chandra Dutta, the action of the management in designating him as Sanitary Peon and allowing the scale of pay of Rs. 140-3-170-4-178 is not justified and that the concerned workman is entitled to the scale of pay of Category III from May, 1972.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012/91/74-LR II/D.III (A)/Pt.]

A. V. S. SARMA, Desk Officer

नई दिल्ली, 4 जनवरी, 1984

आदेश

का० आ० 1726.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में सम्बन्धी मछली उद्योग परियोजना तृतीयकौरिन के प्रबन्धन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को स्थाय-निर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० जसराज होंगे, जिसका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को स्थाय-निर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या तुतिकोरिन वट्टारा जनरल वर्कर्स यूनियन, तुतिकोरिन की समन्वेषी मछली उद्योग परियोजना, भारत सरकार, तुतिकोरिन में नियमित आकस्मिक कर्मचारों सर्वश्री सेथुरमन, आर० राजरी, सी० रॉनाल्ड फर्नान्डो तथा टी० मोहन को नियमित सेवा में अभिलिखित किए जाने की मांग न्यायोचित है? यदि हाँ, तो उक्त चार कर्मकार किस अनुसूची के हकदार हैं?”

[संख्या एल-42011/8/83-डी-II(बी)]

टी० बी० सीता रामन्, हेक्क अधिकारी

New Delhi, the 4th January, 1984

ORDER

S.O. 1726.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Exploratory Fisheries Project, Tuticorin and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Arulraj shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the demand of Tuticorin Vattara General Workers Union, Tuticorin for absorption of S/Shri Sethuraman, R. Rosary, C. Ronald Fernando and T. Mohan, casual workers engaged in Exploratory Fisheries Project, Government of India, Tuticorin into regular service is justified? If so, to what relief the said four workmen are entitled?”

[No. L-42011 (8)/83-D. II(B)]

T. B. SITARAMAN, Desk Officer

New Delhi, the 8th May, 1984

S.O. 1727.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of National Bureau of Plant Genetic Resources and their workmen, which was received by the Central Government on the 28th April, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 119/80

Lachman Dass Kapur and Bhola Thakur

Versus

Indian Council of Agricultural Research,
New Delhi.
(U.O.I.).

PRESENT :

Shri V. M. Pathak—for the Management.

None—for the workman.

AWARD

The Central Government, Ministry of Labour vide Order No. L-42012(34)/80-D.II(B) dated 21st October, 1980 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the Director, National Bureau of Plant Genetic Resources, I.A.R.I. Campus, New Delhi in terminating services with effect from 31-1-1978 of

Sarvashree Lachhman Kapur and Bhola Thakur, Casual Labour employed by them is legal and justified? If not, to what relief they are entitled?”

2. Bhola Thakur has pleaded that he was recruited on 11-3-77 and was turned out on 31-1-78 without being given retrenchment benefits and that he has completed 266 days service and could not be turned out without payment of retrenchment compensation and was entitled to regular service. He claimed reinstatement with full back wages and continuity of service. No claim statement was filed by other workman Lachman Dass Kapur.

3. The Management's case is that the Indian Agricultural Research Institute was not an ‘industry’ and National Bureau of Plant Genetic Resources was a constituent of I.A.R.I. On facts, it was pleaded that the services of Lachman Dass Kapur and Bhola Thakur, casual labourers were terminated because they could not be regularised under the Ministry of Home Affairs memo No. 14(1)/68 Pett.(C) dated 12th Feb., 1969, which required minimum two years’ continuous service as casual labour in the office/establishment where they were appointed, which these workmen did not factually do. Bhola Thakur did not appear in proceedings on or before 9-11-83. The Management filed affidavit of K. L. Mehra, Director, HPGP as also of Dr. R. K. Arora Officiating Director, NEPR.

4. It has been intimated that Lachman Dass is working in the Indian Posts and Telegraphs Deptt. (Office of the Controller of Telecom Stores) Netaji Nagar, New Delhi as Industrial Monthly Rated Mazdoor with effect from 1-1-1980, on regular basis in pay scale of Rs. 196-232 getting Rs. 621.10p per month with local address I-89, Chiryan Colony, IARI, Pusa, New Delhi-12 and permanent address Village Nama Pur P.O. Sormar Bhagla Via Pusa, Distt. Samastipur (Bihar). In respect of Bhola Thakur, it is intimated that he is working as daily wage worker in Horticulture Section, National Physical Lab., New Delhi since 14-8-78 and getting presently Rs. 12.40p per day. Both these Labourers were getting only Rs. 6.50p per day in the I.A.R.I.

5. Under the circumstances aforesaid, the action of the Management of I.A.R.I. does not require to be interfered with and the workmen are not entitled to any relief.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

O. P. SINGLA, Presiding Officer

APRIL 23, 1984.

[No. L-42012/34/80-D.II(B)]

T. B. SITARAMAN, Under Secy.

New Delhi, the 18th May, 1984

S.O. 1728.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, in the industrial dispute between the employers in relation to the management of Beas Sutlej Link Project and their workmen, which was received by the Central Government on the 1st May, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CHANDIGARH

Case No. I.D. 50/81, CHD (156/81 New Delhi)

PARTIES :

Employers in relation to the management of Beas Sutlej
Link Project, Sunder Nagar;

AND

Their Workman, Shri Jai Ram.

APPEARANCES :

For the Employers—Sarva Shri M. K. Bohra and R. L. Dogra.

For the Workman—Shri M. S. Toggar.
INDUSTRY : Beas Sutlej Link Project

STATE : Himachal Pradesh.

AWARD

Dated the 28th April, 1984

The Central Government, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947, vide their Order No. L-42012(86)/80-D. (II)B, dated the 27th of May, 1981, read with S.O. No. 811025(2)/83 dated the 8th of June, 1983 referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management of Beas Sutlej Link Project, Sunder Nagar, in terminating the services of Shri Jai Ram, Driver, with effect from 11-7-1977 is justified? If not to what relief is he entitled?"

2. To trace a short history of the matter, in September 1970, the petitioner/workman was serving as a Driver per Token No. 568-AL in the Mechanical Division No. IV at BSL, Project, Sundernagar under the Respd. On 7-9-1970 he was involved in some unpleasant incident with the Project cashier R. K. Chopra when the latter was disbursing salary to the employees. The petitioner was reported to the XEN concerned who called for his explanation and placed him under suspension. It was followed by a regular chargesheet and departmental enquiry which ended in a finding of guilt. To be precise, the Enquiry Officer sustained the charge that the petitioner was guilty of gross indiscipline besides riotous and disorderly behaviour. On consideration of the report, the Punishing Authority i.e. the XEN concerned, issued him a show cause notice, but the petitioner's reply and representation against the proposed sentence did not find favour with the Punishing Authority and, as such, his services were terminated under the impugned order on 11-7-1977.

3. The petitioner's Service-appeal to the S. Engg. concerned also proved futile and thus, he raised an industrial dispute which defied any amicable settlement despite the intervention of the ALC(C) during the Conciliation proceedings, hence the reference.

4. According to the petitioner/Workman his termination was void-ab-initio because the XEN had no authority to order any enquiry against him, that the chargesheet was vague and the Enquiry proceedings were not properly conducted whereas the XEN did not apply his mind before directing the termination and the S. Engg. dismissed his appeal in routine. It was complained that there was inordinate delay in the completion of the Enquiry proceedings and hearing of appeal. In the same sequence the petitioner alleged that a number of employees found guilty of similar lapses were let off with lesser punishments whereas in his case the extreme penalty was imposed without any justification. He, therefore, prayed for quashing the termination and sought reinstatement with back wages.

5. Resisting the proceedings on all counts, the management questioned the validity of the reference on the averment that the cause was not properly espoused. On merits, it was pleaded that since the XEN was the Appointing authority of the petitioner, therefore, he was competent to constitute the enquiry and take appropriate action against him including that of dismissal, on the report of the Enquiry Officer. Elaborating their version of the case, the management asserted to the validity of the chargesheet and the departmental proceedings which were fairly conducted in accordance to the principles of equity, good conscience and natural justice. Similarly it was contended that the XEN had throughout acted 'bonafide' with an open mind and the S. Engg. had taken note of and considered all the points raised before him at the time of hearing of Appeal. For the

obvious reasons it was denied that there was any lacuna in the domestic proceedings to warrant any interference by the Tribunal. Last but not the least, the insinuation of discrimination against the petitioner in the matter of sentence was vehemently refuted.

6. The parties were put to trial on the following issues framed over and above the terms of Reference :—

1. Whether the Workman is being properly represented in these proceedings and as to whether his cause has been properly espoused? O.P.P.

2. Whether the domestic enquiry resulting in petitioner's dismissal was conducted improperly or against the accepted norms of equity, natural justice and good conscience as alleged? O.P.P.

7. In support of his case the petitioner examined himself and his authorised representative Shri Mohinder Singh Toggar whereas the management felt contended with the deposition of their XEN (Personnel Div.) Shri Narinder Singh, of course both the parties also filed a number of documents of the admitted nature.

8. I have carefully perused the entire material on records and heard the parties. My issue-wise discussion and findings are as follows :—

ISSUE NO. 1

9. Drawing my attention towards the copies of the Court Orders Exts. R-12, R-12A, and R-12F and the INTUC correspondence consisting of the documents Exts. R-12-B, 12-C, 12-D, 12-G and 12H, Shri Bohra the Id. Representative for the management, submitted that Shri M. S. Toggar was no longer an office bearer of the Union to pursue the cause of the petitioner and since none of the office bearers of the new Union has come forward to pick up the thread, therefore, the reference proceedings were not maintainable.

10. I am not impressed with the submission primarily because there is no rebuttal of the proposition that at the time of raising the dispute Shri Toggar was the President of the B.S.L. Workers Union and the petitioner was one of its members, this position continued even upto the time of making the reference by the Appropriate Government. Of course during the intervening period there was disruption of the aforesaid Union but then the petitioner's authority in favour of Shri Toggar would be deemed to have been validated as a necessary implication of the 2nd part of clause-C to sub-section (1) of Section 36 of the Industrial Disputes Act, 1947. As such the issue is answered in favour of the petitioner.

ISSUE NO. 2

11. In his deposition before the Tribunal, the petitioner propounded a strange theory by feigning ignorance regarding the constitution and conduct of the Enquiry proceedings, similarly, he pleaded lack of memory about the receipt of the show-cause notice and submission of his reply to the same, but significantly enough both in his claim statement as well as the affidavit Ex. W.1 he had admitted all these facts. Moreover in his cross-examination his authorised representative Shri Toggar conceded that during the Enquiry Proceedings also he had represented the petitioner and that there was no dispute with the manner and conduct of the same, though he had his reservations against the findings of the Enquiry Officer.

12. It is against the aforesaid back drop that the Management's version projected through their XEN Narinder Singh deserves credence that there was afire and fair enquiry in which the petitioner had duly participated right from the initial stage till its completion. This proposition further gets fortified when we look into a number of admitted documents filed by the parties. Ex. R-1 is a certified copy of the Order dated 8-9-1970 placing the petitioner under suspension on the charge of abusing the Cashier, throwing away the pay rolls and making an attempt to snatch his money. Ex. R-2 dated 21-9-70 is a certified copy of the chargesheet enumerating the allegations in a precise manner and calling upon the petitioner to

explain as to why disciplinary action should not be taken against him. Ex. R-II-A (Ex. W.4-) is a copy of his reply indicating his willingness to face the enquiry proceedings; and thus Sh. Avtar Singh Xen was appointed as the Enquiry Officer. Unfortunately the Enquiry proceedings could not be concluded by Sh. Avtar Singh and his successor in office because of the exigencies of their own service and that was how that the management found it fair to revoke the suspension order and meanwhile entrust the enquiry to the Personnel Officer Sh. O. P. Gupta vide order Ex. R-3 dated 17-1-1977.

13. During his proceedings, Sh. Gupta recorded the statement of the concerned Cashier/Account's clerk Rajinder Kumar Chopra whom the petitioner was alleged to have manhandled. One K. L. Bhargwa, S.D.O. was also examined on behalf of the management to show that they had acted quite fairly before placing the petitioner under suspension and subjecting him to the disciplinary proceedings because Sh. Bhargwa had conducted a preliminary fact-finding enquiry and reported that there was a prima facie to warrant a detailed probe.

14 Both Sarvshri Chopra and Bhargwa were subjected to scathing cross-examination on behalf of the petitioner/Workman as should be evident from the relevant copy of the proceedings Exb. W-6; similarly the copy Exb. 14 further reveals that the petitioner was also given due opportunity of adducing his evidence and that was how that beside himself he examined one Ram Swarup in support of his version. Perusal of the Enquiry officer's report Exb. R-4 would amply show that he had applied his mind in a dispassionate manner and accepted the statement of the cashier Sh. Chopra for logically good reasons.

15. On behalf of the petitioner it was urged before me that the Enquiry officer should not have believed Sh. Chopra because of his personnel involvement but I am not impressed with the submission because barring the aforesaid incident Sh. Chopra was not biased against the petitioner in any manner what so ever, so as to concoct a story to his prejudice. Otherwise too, Chopra's version had a direct echo in the petitioner's own evidence wherein it was conceded that he was involved with him in an altercation and exchange of hot words, and that the momentary peace could be restored only though the intervention of the police, which was luckily available on the spot.

16. One of the grounds of attack against the termination order was that the XEN who had chargesheeted him and constituted the Enquiry proceedings to ultimately pass the impugned Order, was not competent to do so because he was not his Employer, rather it was the Chief Engineer as per admission of M.W.1 Narinder Singh XEN. I am afraid the distinction between the Appointing authority and the Employer has been lost sight of by the Workman because it is not necessary that one common functionary should always enjoy these power within the purview of section 2(g) of the Act. On the other hand by virtue of giving employment to a workman, the Appointing authority is deemed to be competent to supervise and control his work and conduct also. It was in view thereof that the XEN had set the departmental proceedings in motion and awarded the punishment to the petitioner; and it goes without saying that according to the common case of the parties, the XEN was the petitioner's Appointing authority as further conceded by the latter in the very opening line of his cross-examination.

17. The position thus emerges to the effect that the petitioner was suspended, charge sheeted and proceeded against under the orders of his Appointing authority that the departmental proceedings were fairly conducted by a duly authorised person, and the order of punishment was validly passed by the Disciplinary authority by virtue of his being the Appointing authority of the petitioner. His grouse that the Service appeal was not properly heard by the S. Engr is also devoid of force since perusal of the relevant order Exb. W. 10 dated 3-7-1978 would leave no manner of doubt that he had fully applied his mind to the vires of the impugned order in the light of the contentions raised before him while deciding the same.

18. I, therefore, find no impropriety or illegality in the Domestic/enquiry proceedings and as such answer the issue against the petitioner/Workman.

19. However on behalf of the petitioner it was further argued that the extreme penalty of dismissal from service was quite harsh on him particularly in the light of delayed nature of the departmental proceedings and also because a number of similarly placed workmen were let off with lesser punishments.

19. I am not impressed with the submission primarily because no worth-while evidence was led by the petitioner to assist the Tribunal in having a comparative study of the circumstances in which the other Workmen were dealt with. As a matter of fact even a suggestion, on these lines, was not floated to the Management's witness Narinder Singh at the time of his cross-examination, and in my considered opinion, unless we have the proper data to know the nature of charges against the other employees we can not assume that there was any discrimination.

20. In so far as the alleged delay in completion of the Enquiry proceedings is concerned, 'perse' it carries us no where. After all, the Respd. is running a large Organisation and the concerned officers were over worked due to the exigencies of their own Services. Rather, it was in view thereof that pending the Enquiry proceedings, the Management acted fairly in reinstating the petitioner on revoking his suspension per order Exb. W. 11.

21. Of course, at first glance the punishment given to the petitioner may look like a harsh one, but it could not be magnified as unreasonable in view of his highly unbecoming behaviour and misconduct towards the Cashier as it also included an attempt to snatch money from the latter when he was disbursing the salary to the employees. I, therefore, find no scope of interference on that score either and, as such, answer the issue against him.

22. As a natural consequence of my aforesaid discussion and findings on the various issues as above, the petitioner fails in his bid to assail the validity of the departmental proceedings as well as the Termination of his service; and, thus, on sustaining the Management's action, I return my Award against him.

Chandigarh

28-4-1984

I. P. VASISHTH, Presiding Officer

[No. I-42012(86)80-D.II(B)]

T. B. SITARAMAN, Under Secy.

New Delhi, the 17th May, 1984

S.O. 1729.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, Jaipur in the industrial dispute between the employers in relation to the management of Jain Minerals Mines Owners and Mineral Suppliers, Ajmer and Shri Barad Singh and 8 others, their workmen, which has been received by the Central Government.

सैद्धल इन्डस्ट्रियल ट्रिब्यूनल, जयपुर

शिकायत नम्बर सी० आर० टी० 2,3,5,6,7,8,9,10,13/1983

प्रार्थनापत्र प्रस्तुत 33(ए) औद्योगिक विवाद अधिनियम, 1947

प्रार्थी श्री बरद सिंह व 8 अन्य

बनाम

प्रबन्धकजीम मिन्टरेलस माईन्स ओनर्स एण्ड मिन्टरेल सप्लायर्स, अजमेर ।

उपस्थिति

नई दिल्ली 11 मई, 1984

प्रार्थी की ओर से : श्री जे० के० अग्रवाल

नियोजक की ओर से : श्री पुरुषोत्तम लाल अग्रवाल

दिनांक प्रवाह

24-1-83

प्रवाह

यह प्रार्थना पत्र अन्तगत 33 ए औद्योगिक विवाद अधिनियम 1947 प्रस्तुत किया गया है।

श्री बर्दसिंह व 8 अन्य मय श्री जे० के० अग्रवाल प्रार्थी की ओर से तथा श्री पुरुषोत्तम लाल अग्रवाल विपक्षी की ओर से उपस्थित हैं।

श्री बर्दसिंह व 8 अन्य एक प्रार्थनापत्र केस को नहीं चलाने बाबत पण की अब इस विवाद में प्रार्थीय विपक्षी के बीच कोई विवाद नहीं रहा। अतः इस विवाद में नौ डिस्पुट प्रवाहों पास किया जाता है जो केन्द्रीय सरकार को वास्ते प्रकाशनार्थ भेजा जावे।

न्यायाधीश, औद्योगिक न्यायाधिकरण, जयपुर

[संख्या एल-29025/3/84-डी-III-B(ii)]

S.O. 1730.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur in the Industrial dispute between the employers in relation to the management of Jain Minerals Mines Owners and Mineral Suppliers, Ajmer and Shri Kan Singh and 2 others their workmen, which has been received by the Central Government.

संयुक्त इन्डस्ट्रियल ट्रिब्यूनल, जयपुर

शिकायत नम्बर सी आई टी 1,4,11 / 1983

प्रार्थनापत्र अन्तगत 33 ए औद्योगिक विवाद अधिनियम 1947

प्रार्थी श्री कान सिंह, पना सिंह, हमीर सिंह

बनाम

प्रबन्धक, जैन मिनेरल्स साप्लायर्स असोसिएट्स प्राइवेट लिमिटेड, अजमेर

उपस्थिति

प्रार्थी की ओर से श्री जे के अग्रवाल

नियोजक की ओर से श्री पुरुषोत्तम लाल अग्रवाल

दिनांक प्रवाह 16-1-84

प्रवाह

यह प्रार्थना पत्र अन्तगत 33 ए औद्योगिक विवाद अधिनियम, 1947 प्रस्तुत किया गया है।

श्री कान सिंह व 2 अन्य मय श्री जे के अग्रवाल प्रार्थी की ओर से तथा श्री हुकमचन्द जैन मय श्री पुरुषोत्तम लाल अग्रवाल विपक्षी की ओर से उपस्थित हैं।

श्री कान सिंह व 2 अन्य ने एक प्रार्थना पत्र केस को नहीं चलाने की बाबत पेश की तस्दीक किया गया अब प्रार्थीय विपक्षी के बीच कोई विवाद नहीं रहा अतः इस विवाद में नौ डिस्पुट प्रवाहों पास किया जाता है जो केन्द्रीय सरकार को प्रकाशनार्थ भेजा जावे।

न्यायाधीश, औद्योगिक न्यायाधिकरण, जयपुर

[संख्या एल-29025/3/84-डी-III-बी(i)]

नख्तलाल, अवसर सचिव

का० भा० 1831—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा-5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्रम विभाग के अवसर सचिव, श्री आर० डी० मिश्रा को 14 मई, 1984 से 3 जून, 1984 तक, श्री राजीत मित्र, अवसर सचिव के स्थान पर, जो समसंयुक्त अधिसूचना तारीख 1-5-1984 द्वारा इस समय उत्प्रवास संरक्षी 1, बम्बई के कार्य कर रहे हैं, उत्प्रवास संरक्षी-1, बम्बई के रूप में सभी वस्तुओं पर हस्ताक्षर करने के लिए प्राधिकृत करती है।

[संख्या ए-22012/3/84 एमिग्रेशन-II]

New Delhi, the 11th May, 1984

S.O. 1731.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorise Shri R. D. Mishra, Under Secretary of the Department of Labour to sign all relevant documents as Protector of Emigrants-I, Bombay with effect from 14th May, 1984 to 3rd June, 1984, replacing Shri Rajat Mitter, Under Secretary, presently discharging duties of Protector of Emigrants-I, Bombay vide notification of even number dated 1-5-1984.

[No. A-22012/3/84-EMIG.II]

का० भा० 1732—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा-5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, कर्मचारी राज्य बीमा निगम, बम्बई के क्षेत्रीय कार्यालय के बीमा निरीक्षक सर्वश्री ए० एम० बघवा श्री एन० पी० साहाकारी को, अगले भावने होने तक, केवल ऐसे मामलों में उत्प्रवास संरक्षी की ओर से पासपोर्टों के पृष्ठकों पर हस्ताक्षर करने के लिए प्राधिकृत करती है, जहाँ उत्प्रवास संरक्षी, बम्बई ने अनुमति या स्थगन, जैसी स्थिति हो, को अनुमोदित कर दिया है।

[संख्या ए-22012/3/84 एमिग्रेशन-II]

S.O. 1732.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorise S/Shri A. M. Wadhwa and S. P. Sahakari, Insurance Inspectors from the Regional Office of Employees State Insurance Corporation, Bombay, to sign the endorsements on Passports on behalf of the Protector of Emigrants only in such cases where the Protector of Emigrant, Bombay, had approved clearance or suspension as the case may be, till further orders.

[No. A-22012/3/84-EMIG.II]

का० भा० 1733—उत्प्रवास अधिनियम 1983 (1983 का 31) की धारा-3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इस मंत्रालय के केन्द्रीय सचिवालय सेवा संवर्ग के अनुभाग अधिकारी, श्री एन०, कृष्णापिल्लै को 5-5-1984 (पूर्वाह्न) से श्री एन० के० शर्मा, उत्प्रवास संरक्षी-II, बम्बई के स्थान पर उत्प्रवास संरक्षी II- के रूप में नियुक्त करती है।

[संख्या ए-22012/3/84 एमिग्रेशन-II]

श्री० एन० मोना, अवसर सचिव

S.O. 1733.—In exercise of the powers conferred by sub-section (1) of section 3 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri N. Krishnapillai, Section Officer of the CSS Cadre of this Ministry to be the Protector of Emigrants-II, Bombay, with effect from 5-5-84 (forenoon) vice Shri S. K. Sharma, Protector of Emigrants-II, Bombay.

[No. A-22012/3/84-EMIG. II]

B. S. MEENA, Under Secy.